

Closed Caption Log, Council Meeting, 02/10/05

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Mayor Wynn: GOOD MORNING. I'M AUSTIN MAYOR WILL WYNN, IT'S MY HONOR TO WELCOME BISHOP LAWRENCE LIPERSON FROM AGAPE MINISTRIES WHO WILL LEAD US IN OUR INVOCATION, BISHOP? PLEASE RISE.VL

ETERNAL GOD, WE COME TO YOU THONG THANKING YOU FOR -- TO YOU THIS MORNING THANK YOUfa FOR CREATING HEAVEN AND EARTH, WE COME TO YOU AS OURNi9T8ii SERVANTS FOR THE PRESENT, IT I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, THURSDAY, FEBRUARY 10th, 2005. WE ARE IN THE COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST 2nd STREET IN AUSTIN, ABOUT 17 MINUTES AFTER 10:00 A.M. AT THIS TIME I WILL READ THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. ITEM NO. 6, WHICH IS THE ANNEXATION OF THE BRANDT ROAD AREA, WILL BE POSTPONED ONE WEEK TO FEBRUARY 17th, 2005. ITEM NO. 13, RELATES TO A CONTRACT WITH CLEAN POWER RESEARCH. THAT ITEM WILL BE POSTPONED INDEFINITELY. AND ON ITEM NO. 18, RELATED TO THE CITY'S CO-SPONSORSHIP OF THE CO-EXISTENCE OUTDOOR ART EXHIBIT, COUNCILMEMBER DANNY THOMAS IS INCLUDED AS AN ADDITIONAL CO-SPONSOR. THOSE ARE ALL OF OUR CHANGES AND CORRECTIONS. WE HAVE -- COUNCIL, WE HAVE NO ITEMS PULLED OFF THE CONSENT AGENDA AT THIS TIME. I WILL NOW READ THE -- OUR TIME CERTAIN SCHEDULE FOR TODAY. AT 12:00 NOON WE BREAK FOR OUR GENERAL CITIZEN COMMUNICATIONS. AT 2:00, WE WILL HAVE

BRIEFINGS, THOSE SHOW AS ITEMS 28 AND 29 ON THIS WEEK'S AGENDA. 28 IS OUR QUARTERLY ECONOMIC UPDATE WHERE WE GET FEEDBACK FROM STAFF AS TO HOW WE ARE DOING ECONOMICALLY HERE AS A CITY, AS A REGION. THEN WE ALSO HAVE OUR PUBLIC PRESENTATIONS ON THE PROPOSALS FOR BLOCK 21, THE CITY-OWNED BLOCK OF LAND JUST TO THE NORTH OF CITY HALL. AT 4:00 WE BREAK FOR ZONING HEARINGS, APPROVE OF ORDINANCES AND RESTRICTIVE COVENANTS, THOSE SHOW UP AT ITEMS NUMBER 30 AND 31 ON TODAY'S AGENDA, THE ZONING CASES Z-1 THROUGH Z-6. WE WILL ANNOUNCE NOW THAT STAFF WILL BE REQUESTING A POSTPONEMENT OF ITEM NO. 30, WHICH IS THE -- THE SECOND AND THIRD READINGS OF THE WAGNER TRACT. AND SO WE'LL TAKE UP THAT POSTPONEMENT VOTE AT 4:00 PER OUR POSTING LANGUAGE, HOWEVER NOTE THAT STAFF IS REQUESTING THIS AND IT'S VERY LIKELY TO BE POSTPONED. AT 5:30, LIVE MUSIC AND PROCLAMATIONS, THEN AT 6:00 PUBLIC HEARINGS POSSIBLE ACTIONS, WE HAVE THREE ITEMS POSTED. ITEMS 32 THROUGH 35. SO, COUNCIL, AGAIN NO ITEMS HAVE BEEN PULLED OFF THE CONSENT AGENDA. IF THAT REMAINS THE CASE, WITH THAT I WILL READ THIS MORNING'S CONSENT AGENDA NUMERICALLY. ITEM NO. 1, 2, 3, 4, 5, 6, FOR POSTPONEMENT TO FEBRUARY 17th, 2005, 7, 8, 9, 10, 11, 12, 13, VOTE TO BE POSTPONED INDEFINITELY, 14, 15, 16, 17, 18, 19, 20, 21, 22, AND THAT'S ALL, 22. 7 AND I'M SORRY, AND THE ITEM NO. 38, THANK YOU, MS. BROWN, IS OUR APPOINTMENTS TO OUR BOARDS AND COMMISSIONS AND AT THIS TIME I WILL READ THOSE INTO THE RECORD. ITEM NO. 38 ON THE CONSENT AGENDA: TO OUR BOARD OF ADJUSTMENT, GREG SMITH AND HERMAN THUN ARE CONSENSUS APPOINTMENTS. TO OUR ECONOMICS ON IMMIGRANT -- COMMISSION ON IMMIGRANT AFFAIRS, PATRICIA CALHOUN IS A CONSENSUS APPOINTMENT. TO OUR SIGN REVIEW BOARD, GREG SMITH IS A CONSENSUS APPOINTMENT. AND TO THE URBAN RENEWAL BOARD, CHRISTINA DELA FUENTA VALADEZ IS MY APPOINTMENT, ITEM NO. 38 THE LAST ITEM ON OUR CONSENT AGENDA. WITH THAT I'LL ENTERTAIN A MOTION.

MOVE APPROVAL.

MOTION MADE BY COUNCILMEMBER ALVAREZ.

SECOND.

SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS?

Clerk Brown: MAYOR, IT WAS NOTED THAT HERMAN THUN IS AN ALTERNATE ON THE BOARD OF ADJUSTMENT.

Mayor Wynn: THANK YOU, MS. BROWN, THAT'S RIGHT HIS APPOINTMENT TO THE BOARD OF ADJUSTMENT IS THAT AS AN ALTERNATE. I WOULD NOTE, COUPLE, WE HAVE A NUMBER OF FOLKS SIGNED UP AVAILABLE TO ANSWER QUESTIONS ON ITEM NO. 12 RELATED TO OUR TAXI METER FEE. NONE WISHING TO SPEAK, BUT AVAILABLE FOR QUESTIONS IF WE HAVE THEM. I WOULD JUST LIKE TO LEAD OFF THE COMMENTS BY SAYING ITEM NO. 18 IS AN ITEM FROM COUNCIL CO-SPONSORED BY COUNCILMEMBERS ALVAREZ AND THOMAS AND I THINK THEM. THIS RELATES TO A CITY CO-SPONSORSHIP OF AN OUTDOOR ART EXHIBIT THAT IS -- HAS BEEN TOURING THE WORLD, IT'S A REMARKABLE EXHIBIT THAT ORIGINATED TECHNICALLY OUT OF JERUSALEM SEVERAL YEARS AGO, CALLED CO-EXISTENCE AND IS COMPRISED OF DOZENS OF ESSENTIALLY BILLBOARD SIZED GRAPHICS AND THIS -- THIS ART EXHIBIT HAS BEEN TOURING MOST OF THE MAJOR CITIES AND HAS BEEN TO MOST OF THE MAJOR CITIES IN EUROPE, IT IS NOW BEGINNING ITS TOUR IN NORTH AMERICA. WE ARE ACTUALLY GOING TO EXHIBIT THESE BILLBOARD-LIKE GRAPHICS ON AUDITORIUM SHORES FOR THE ENTIRE MONTH OF MARCH. AND WE ARE DOING THAT VERY SPECIFICALLY IN PART BECAUSE MARCH IS -- IS PERHAPS THE MOST ACTIVE MONTH OF OUR CALENDAR YEAR, EVEN AT THE SHORES. NOT ONLY WILL SOUTH-BY-SOUTHWEST HAVE THEIR LARGEST OUTDOOR VENUE ON THE SHORES, WE HAVE A NUMBER OF - - A NUMBER OF OUR ROAD RACES THAT BEGIN OR END THERE ON THE SHORES. BOTH THE FOLKS PROMOTING THE RACES AND THE FOLKS AT SOUTH-BY-SOUTHWEST ARE VERY EXCITED ABOUT INCORPORATING THIS OUTDOOR ART EXHIBIT FOR THE TENS OF THOUSANDS OF THEIR FRIENDS AND FANS WHO WILL THERE. ESSENTIALLY THE -- THE CO-EXISTENT ART EXHIBIT IS A -- IS A STRONG STATEMENT, A

STRONG VISUAL STATEMENT ABOUT THE NEED FOR -- FOR CO-EXISTENCE, LITERALLY. ABOUT THE NEED FOR TOLERANCE IN OUR SOCIETY. AND THE GRAPHICS, THOUGH NOT -- I WOULDN'T CHARACTERIZE THEM AS PROVOCATIVE, THEY ARE VERY -- I BELIEVE THEY WILL INSPIRE A LOT OF CONVERSATION THROUGHOUT THE MONTH OF MARCH, THERE'S GOING TO BE A NUMBER OF TOWN HALL MEETINGS RELATED TO THE TOPIC OF TOLERANCE AND CO-EXISTENCE, KLU AND THE UNIVERSITY OF TEXAS WILL BE PARTNERS WITH US, BALLET AUSTIN HAPPENS TO BE UNVEILING A PRETTY REMARKABLE COMMISSIONED PIECE RELATED TO TECHNICALLY THE HOLOCAUST, ULTIMATELY RELATED TO THE ISSUE OF TOLERANCE IN OUR SOCIETY. AND SO I'M PROUD TO SEE THAT THE CITY WILL BE A -- A QUO SPONSOR OF -- A CO-SPONSOR. WE WILL DOING THIS BECAUSE THERE WILL BE SOME CITY EXPENSE INVOLVED BY DOING THIS. WE WILL HAVE A -- WE WILL HAVE A MEASURABLE ADDITIONAL IMPACT ON OUR PARKS POLICE DEPARTMENT WHO WILL HELP US WITH SETUP SECURITY, WE WILL HAVE ADDITIONAL LIGHTING, AND I WILL SAY HERE, OUR -- TECHNICALLY THE ACTION THAT WE ARE TAKING IS FOR AN AMOUNT NOT TO EXCEED \$54,000. I'M ABOUT -- ABOUT HALF OF THAT IS PARKS POLICE. THE OTHER HALF IS A SERIES OF OTHER COSTS, LIGHTING, SETUP, ET CETERA. THERE HAS BEEN -- TODAY, OVER \$80,000 PRIVATELY RAISED FOR THIS EXHIBIT AND TO THE EXTENT THAT MORE MONEY IS RAISED PRIVATELY, WHICH I WOULD ANTICIPATE, BECAUSE I WILL BE ASKING FOR THAT, WE WILL FRANKLY BUY DOWN THE CITY COST, THAT IS TO THE EXTENT THAT WE FIND THAT ADDITIONAL PRIVATE SPONSOR WHO WANTS TO HELP US SPONSOR THE LIGHTING EXPENSE, ET CETERA. THIS -- THIS COST WILL GO DOWN. I DON'T ANTICIPATE FRANKLY SOMEBODY PICKING UP THE TAB FOR OUR PARKS POLICE AND SO THERE WILL BE SOME CITY EXPENSE, BUT I FEEL STRONGLY ABOUT THE -- ABOUT THE EXHIBIT ITSELF. I FEEL STRONGLY ABOUT THE NEED IN THIS COMMUNITY TO CONTINUE OUR DISCUSSION ABOUT TOLERANCE AND CO-EXISTENCE AND I THINK THAT THE EXHIBIT IS GOING TO BE VERY WELL RECEIVED. WE ARE JOINING A PRESS STEEMG JOYS LIST -- PRESTIGIOUS LIST OF INTERNATIONAL CITIES WHO HAVE NOW HOSTED THIS IN AN URBAN ENVIRONMENT FOR APPROXIMATELY A MONTH. AGAIN ON AUDITORIUM SHORES FOR THE MONTH OF MARCH,

GOES UP ON MARCH 6th. IT WILL COME DOWN MARCH 31st. I ENCOURAGE EVERYBODY, IF YOU DON'T -- IF YOU HAPPEN TO GO BY AUDITORIUM SHORES ON YOUR DAILY OR MONTHLY ROUTINE, BE SURE AND DO SO IN MARCH. SO THANK YOU, COUNCIL. FURTHER COMMENTS? COUNCILMEMBER MCCRACKEN?

McCracken: I BELIEVE -- I'M GOING TO SEE -- BARBARA, COULD YOU COME TELL US ABOUT THE AUSTIN JEWISH ACADEMY'S BAGEL FEST FUN RUN, WHICH COUNCILMEMBER ALVAREZ, COUNCILMEMBER DUNKERLY AND I ARE SPONSORED. BARBARA HAS A CHANCE TO TELL US ABOUT IT.

WELCOME.

HI, THANK YOU. MY NAME IS BARBARA LONGREN, A TOLL TEAR PARENT, I HAVE TWO -- A VOLUNTEER PARENT, TWO CHILDREN IN THE AUSTIN JEWISH ACADEMY. THIS IS THE FOURTH YEAR, IT'S A FUN FAMILY EVENT, ALSO A FUNDRAISER FOR TWO 501 C 3 CHARITIES, ANY BABY CAN AND AUSTIN JEWISH ACADEMY. BESIDES BEING A FUNDRAISER, BAGEL FEST IS GOOD FOR THE COMMUNITY IN MANY WAYS, GOOD FOR BUSINESS, CITY REVENUE, COMMUNITY FUN. YET ANOTHER WAY TO KEEP AUSTIN FIT. AND WE ARE JUST -- THANKING YOU FOR ALLOWING US TO TAKE SOME TIME THIS MORNING AND HERE'S A FLIER WITH ALL OF THE BUSINESSES THAT HAVE UM -- THAT ARE BENEFITING AS WELL.

Mayor Wynn: THANK YOU.

OKAY, THANK YOU.

McCracken: BARBARA, CAN YOU TELL US WHERE THE FUN RUN WILL BE, HOW FOLKS CAN SIGN UP FOR IT?

OKAY. THE -- THE -- THE FUN RUN IS IN THE NEIGHBORHOOD SURROUNDING THE AUSTIN JEWISH COMMUNITY CAMPUS, WHICH IS THE FAR WEST RIGHT OFF OF MOPAC AND HART LANE AND YOU CAN SIGN UP ONLINE AT www.bagelfest52.com OR ANY -- BAGEL FEST 5 K.COM OR ANY RUN TEX LOCATION.

THANK YOU. COUNCILMEMBER DUNKERLY?

[INDISCERNIBLE] [INAUDIBLE - NO MIC] OUR NORMAL AGREEMENT WITH THE -- ON THE TAXICAB RATES, I THINK THIS IS CERTAINLY VERY APPROPRIATE TIME TO DO THIS, WE'VE HAD A LOT OF INCREASES IN GASOLINE COSTS THAT CERTAINLY OUR COMPANIES AND DRIVERS NEED TO RECOUP. I WOULD LIKE TO CLARIFY SOMEONE WHO WAS BRIEFING ME YESTERDAY, TELLING ME THAT A MAJOR PERCENTAGE OF THIS INCREASE WILL GO TO THE DRIVERS, IS THERE ANYONE WHO COULD -- WHO COULD CLARIFY --

COUNCIL -- MS. CRAYTON FROM THE PUBLIC WORKS DEPEND CAN PROBABLY RESPOND TO THAT.

ACTUALLY, WE DON'T REGULATE THE -- THE CONTRACT BETWEEN THE FRANCHISEE AND THE FRANCHISE AND THE THE DRIVER, SO PERHAPS ONE OF THE FRANCHISES --

I SEE SOMEONE FROM YELLOW CAB THERE. IF THEY COULD - - IF THEY COULD COME FORWARD -- I KNOW THEY CAN'T SPEAK FOR ANY COMPANY EXCEPT THEIRS, BUT I THINK IT WAS PRETTY IMPORTANT TO NOTICE THAT MOST OF THIS WOULD PROBABLY GO TO THE DRIVER.

GOOD MORNING, YES, MA'AM, IT'S VERY DIFFICULT TO BE EXACT, BUT USING THE DATA THAT'S AVAILABLE TO US, CONSIDERING THAT WE DON'T COUNT THE FARES RECEIVED BY THE DRIVERS, USING CITY DATA, I BELIEVE THAT BETWEEN 85 AND 88% OF THE NEW FARES THAT WILL BE INCREASED AS A RESULT OF THIS INCREASE WILL GO TO THE DRIVER IN THE FIRST YEAR.

OKAY.

Dunkerly: WELL, LET ME ASK YOU THIS THEN, YOU THINK THAT THE DRIVER THEN WOULD BE ABLE TO HANDLE THE INCREASED GAS COSTS AND ANY INCREASES IN THEIR CHARGES FROM THE COMPANY AND STILL HAVE ENOUGH LEFT TO -- TO TAKE CARE OF THEIR COST OF LIVING?

WE BELIEVE THAT THAT WOULD BE THE CASE, YES. IF YOU CONSIDER THE INCREASE IN COSTS OF GAS. IF GAS

REMAINS RELATIVELY STABLE WITH NORMAL OR REASONABLE INCREASES THAT WOULD BE THE CASE. IF IT IN FACT EXPERIENCES SOME UNDUE SKYROCKETING, WE ALL HAVE A DIFFERENT SITUATION.

ALL RIGHT. WELL, I'LL HAVE TO MONITOR THOSE GAS PRICES.

YES, MA'AM.

THANK YOU.

THANK YOU.

COUNCILMEMBER THOMAS.

THAT WAS FROM YELLOW CAB MUCH ANYBODY ELSE IN THE AUDIENCE. ANY DIFFERENT VENDORS, INDEPENDENT CONTRACTORS -- ROACH THIS PODIUM WHILE WE HEAR FROM THIS GENTLEMAN [INDISCERNIBLE]

OKAY.

Thomas: WE NEED TO -- WHAT I HEARD IS IT SOUNDS GOOD? I NEED TO GET FROM DIFFERENT -- IF YOU DON'T MIND SOME DIFFERENT FRANCHISES.

FIRST OF ALL, I WOULD LIKE TO DISTRIBUTE THE -- I HAVE FROM THE -- CORRESPONDENCE FOR THE MEMBERS OF THE COUNCIL, THEN I WILL ANSWER COUNCIL.

IF YOU CAN STATE YOUR NAME FOR THE RECORD, PLEASE?

[INDISCERNIBLE]

[MULTIPLE VOICES]

I DON'T HAVE A PROBLEM WITH IT.

NAMES. WELCOME.

I'M BERTA MEANS WITH AUSTIN CAB COMPANY. MY OPERATION IS MANAGER AND GENERAL MANAGER, ABLE TO

BE HERE, I HAD NOT PLANNED TO SPEAK. I WILL ANSWER THE QUESTION. WE DID DWREAD, DEGREE, ALL OF US I THINK DEGREE, THAT THE INCREASE -- WE DID AGREE, ALL OF US AGREED I THINK THAT THE INCREASE IS NECESSARY BECAUSE OF THE THE SKYROCKETING EXPENSES, PERTAINING TO FOOL IN PARTICULAR. AS FOR A RAISE FOR THE DRIVERS, YES, THEY WILL -- THEY WILL GET A MAJORITY OF THE INCREASE AND AS MR. CONNALLY STATED THIS IS WHAT WE WOULD DO, ALSO. SO ... ANY OTHER QUESTIONS?

Thomas: THAT'S IT FROM ME. THANK YOU.

THANK YOU.

Mayor Wynn: THANK YOU, MS. MEANS, WELCOME, SIR.

DO YOU WANT ME TO ANSWER THE QUESTION OR GO AHEAD AND READ MY STATEMENT AND HAVE QUESTIONS FROM THE COUNCIL AFTERWARD OR --

Mayor Wynn: IF YOU COULD, FIRST STATE YOUR NAME FOR THE RECORD.

MY NAME IS SCOTT VELASQUEZ, THE CURRENT PRESIDENT OF [INDISCERNIBLE] HERE IN AUSTIN, TEXAS.

Mayor Wynn: LEASE NOTE, MR. VASQUEZ, WE ARE ABOUT TO PASS THIS ON THE CONSENT AGENDA. WE APPRECIATE BREVITY. I THINK THE COUNCILMEMBER MAY HAVE HAD A QUESTION OR TWO SPECIFICALLY FOR YOU. BUT THE FLOOR IS YOURS.

WE DO AGREE THAT MOST OF THE MONEYS WILL BE GOING TO THE DRIVERS, THAT'S NOT A GUARANTEE TO ANY INDUSTRY OR ANY ORGANIZATION WITH THE SCALE OF RATE INCREASE IN A FIVE-YEAR PERIOD. THINGS CHANGE TO A DAY TO DAY BUSINESS. BUSINESS OPERATIONS CHANGE, YOU HAVE STAFF THAT WORK IN THE OFFICE THAT HAD V TO GET PAID, YOU HAVE TO PAY THE TAXES, HEALTH INSURANCE AND THIS IS NOT BUILT INTO THE RATE INCREASE AS BEING -- THAT'S BEING PROPOSED AS FAR AS OPERATION, DAILY OPERATIONS FOR A COMPANY. THE RATE IS FINE. THE DRIVERS HAVE BEEN ABLE TO SURVIVE WITH

THE LITTLE INCREASE [INDISCERNIBLE] APPROVE TODAY ANYWAY. BUT I WOULD LIKE TO MAKE THE GENERAL STATEMENT, READ MY LETTER, FROM THERE YOU ALL CAN TAKE WHATEVER POSITION YOU ALL WANT TO TAKE. IF YOU ALL WANT TO SUPPORT THE ISSUES THAT I HAVE BEFORE YOU ALL, I WOULD APPRECIATE IT. IF YOU ALL COULD GIVE SOME CONSIDERATION. ON BEHALF OF ROY'S TAXI AND ITS DRIVERS, THE COMPANY WOULD LIKE TO SUBMIT THE FOLLOWING OPINION REGARDING RATE INCREASES CURRENTLY ENACTED I ABOUT THE CITY COUNCIL -- ENACTED BY THE CITY COUNCIL AS THEY RELATE TO TAXI FARES. ROY'S TAXI DOES NOT OPPOSE THE RATE INCREASES, IT IS IMPORTANT TO THE COMMUNITY TO PROVIDE ENOUGH OF AN INCENTIVE THAT QUALIFIED DRIVERS WOULD WENT TO DRIVE CABS. HOWEVER, [INDISCERNIBLE] CURRENT FEE STRUCTURES WHICH NEED IMPROVEMENT. FIRST, WE HAVE A -- WE HAVE A SECTION IN THE ORDINANCE THAT ALLOWS FOUR PEOPLE TO RIDE FOR THE PRICE OF ONE. IF TAXICAB DRIVERS ARE GOING TO MAKE MONEY, THEY SHOULD BE ABLE TO CHARGE FOR EXTRA PASSENGERS IN THE CAB BECAUSE THAT REVENUE IS 100% TO THEM. HAS NOTHING TO DO WITH WHAT THE FRANCE SIZE HOLDERS CHARGE FRANCHISE HOLDERS CHARGE. YOU COULD CONSIDER A 50-CENT INCREASE WITH THE EXTRA PASSENGERS, A DOLLAR, WHATEVER THE CITY COUNCIL, WHATEVER ANYONE IN THE CITY -- WHATEVER ANYONE IN THE CITY IS GOING TO DECIDE. SECOND, THERE ARE NO PROVISIONS IN THE ORDINANCE FOR EMERGENCY SURCHARGES. WHEN THE FUEL PRICES GO UP, AND THAT NEEDS TO BE EXAMINED AND ENACTED. IT PRESENTS AN EXTREME HARDSHIP ON THE DRIVERS WHEN THE FUEL LEVELS REACH THE LEVEL THEY HAVE REACHED IN THE RECENT PAST. THIRD, THE CITY SHOULD CONSIDER WHETHER A NIGHT SURCHARGE ON A PER TRIP BASIS FOR RIDES AFTER 9:00 P.M. TO ENCOURAGE MORE CAB DRIVERS TO DRIVE AFTER 9:00 P.M. AND TO PROVIDE BETTER ACCESS TO THE AUSTIN CONSUMERS. CURRENTLY DRIVING AT NIGHT IS NOT A REAL POPULAR THING LIKE IT IS DRIVING DURING THE DAY. SOMETIMES THE INCENTIVE WILL HELP EVEN THIS OUT. FOURTH, THE MULTIPLE TRIP SECTION MODIFIED SECTION OF THE ORDINANCE WHICH ALLOWS PASSENGERS TO SHARE CAB RIDES TO MULTIPLE DESTINATIONS NEEDS

TO BE MODIFIED WHERE EACH PASSENGER PAYS FOR THE ENTIRE -- THE ENTIRETY OF THEIR CAB RIDE. FOR EXAMPLE, WE MAKE A PICKUP AT THE AIRPORT AND WE LEAVE A PASSENGER AT THE HILTON HOTEL, AND THE OTHER PASSENGER WANTS TO GO TO BARTON CREEK, CURRENTLY WE HAVE TO STOP THE METER AND RESET THE METER, WHICH GIVES THE PERSON GOING THE FARTHER DISTANCE A LESSER RATE FOR THE TRANSPORTATION, IT'S A LONGER RIDE AND THE DRIVER LOSES BECAUSE THERE'S NO REASON WHY WE HAVE TO STOP AND START THE METER AGAIN. THE POLICY SHOULD BE CHANGED ALLOWING THE CAB DRIVER TO CHARGE FROM THE FULL RIDE FROM POINT A TO POINT B REGARDLESS OF THE NUMBER OF STOPS. FINALLY, THE SINCERE HOPE OF ROY'S TAXI AND THE DRIVER'S THAT GREATER ENFORCEMENT OF UNLICENSED AND OUT OF TOWN CAB COMPANIES WHICH COME INTO THE AUSTIN MARKET AND ARE NOT REGULATED BY THE CITY ORDINANCE TO REMAIN A PRIORITY. PRESENTLY THE FINES FOR OPERATING A TAXICAB, WHICH IS NOT ALLEVIATED WITH ONE OF THESE THREE FRANCHISES WHICH ARE REGULATED BY THE CITY ARE VERY MINIMAL. ROY'S TAXI UNDERSTANDS BUDGET CONSTRAINTS AND WHAT THEY ARE. BUT WE WOULD HOPE THAT BETTER EMPHASIS WOULD BE PLACED ON THE ENFORCEMENT AND PROSECUTION ON THOSE THAT OPERATE AGAINST THE TAXICAB ORDINANCE. IT IS A CONTINUING DESIRE OF ROY'S TAXI TO WORK WITH THE CITY COUNCIL THAT FIND A BALANCE THAT IS BENEFICIAL TO THE CITY, THE TAXICAB FRANCHISES, THE DRIVERS AND THE CONSUMERS HERE IN AUSTIN, TEXAS. WE APPRECIATE YOUR LOOKING INTO THIS MATTER. IF ANYONE HAS ANY QUESTIONS, I WILL BE GLAD TO ANSWER THEM. AGAIN, WE DO NOT OPPOSE THE PROPOSED RATE INCREASE, BUT THERE ARE OTHER WAYS FOR THE DRIVERS TO MAKE MONEY WITHOUT PUTTING [INDISCERNIBLE] ON THE METER.

Mayor Wynn: THANK YOU FOR THOSE POINTS ACTUALLY. I GUESS A QUICK QUESTION TO THE CITY ATTORNEY ABOUT PASSING THIS ORDINANCE ITEM NO. 12. THAT DOESN'T PRECLUDE US FROM TAKING UP ANY OF THESE ISSUES THAT MR. VASQUEZ RAISES AT ANY GIVEN TIME, CORRECT?

THAT IS CORRECT, MAYOR.

OKAY.

Mayor Wynn: THANK YOU, MR. VELASQUEZ, FURTHER COMMENTS, QUESTIONS? THANK YOU, SIR. COWBOY, WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONSENT AGENDA AS READ, THE ENTIRE AGENDA. FURTHER COMMENTS? MAYOR PRO TEM?

Goodman: SORRY. RELATIVE TO THE TAXI ISSUE THAT WE JUST HAVE BEEN TALKING ABOUT, NOT ONLY MR. VELASQUEZ' ISSUES BUT SOME OTHERS I THINK WE CAN ADDRESS LATER ON. GO AHEAD AND MOVE WITH THIS, BUT THERE ARE SOME CRITICAL ISSUES THAT WE HAVEN'T REALLY GONE OVER ON THIS ISSUE IN SOME YEARS. I CAN -- I WOULD LIKE TO SEE US DO THAT, MAYBE EVEN BEFORE I GO.

ALL RIGHT. AGAIN, FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

THANKS, MAYOR. JUST -- JUST AGAIN JUST TO REITERATE SOME OF THE POINTS THAT YOU MADE EARLIER ABOUT THE HALL THE HOLOCAUST AND HUMANITY PROJECT, OUR INVOLVEMENT WITH THAT, IT'S A VERY IMPORTANT PROJECT THAT SEEKS TO PROMOTE TOLERANCE AND PROTECT -- AND THE PROTECTION OF HUMAN RIGHTS, EDUCATING THE COMMUNITY AGAINST HATE AND BIGOTRY AND SO I THINK THAT IT'S SOMETHING THAT WE CAN ALL RELATE TO. IT WILL BE VERY HEALTHY IN OUR COMMUNITY AND IT'S TIED, AS THE MAYOR SAID, TO A LOT OF PANEL DISCUSSIONS AND FILM PRESENTATIONS, A BALLET RELATING TO THE SUBJECT, AND OF COURSE TO THE EXHIBIT THAT WILL BE DISPLAYED ON AUDITORIUM SHORES. THAT WILL TAKE PLACE IN A MONTH WHEN WE HAVE SOUTH-BY-SOUTHWEST AND A LOT OF DIFFERENT RACING EVENTS. I THINK THAT'S GOING TO GET LIVE EXPOSURE FOR THAT PARTICULAR EXHIBIT AND THAT PARTICULAR THEME. WE WILL BE ONLY ONE OF ABOUT A DOZEN CITIES AROUND THE WORLD THAT HAVE HOSTED THE EXHIBIT THUS FAR. I REALLY WANT TO THANK THE COUNCIL FOR AGREEING TO CO-SPONSOR THE EVENT AND ALSO ALL OF THE ORGANIZERS AND THE VERY IMPRESSIVE LIST OF -- THAT ARE PART OF THE STEERING

COMMITTEE FOR THE PROJECT AS WELL. THANKS, MAYOR.

THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? ON THE CONSENT AGENDA? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL THAT LEAVES US NO DISCUSSION ITEMS PRIOR TO OUR CITIZEN COMMUNICATIONS. THEN OUR FIRST REAL ITEM IN PUBLIC WILL BE THE 2:00 BRIEFINGS. SO AT THIS TIME, PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT, WE WILL GO INTO CLOSED SESSION TO TAKE UP POTENTIALLY AGENDA ITEMS 25, RELATED TO MARY LOPEZ VERSUS THOMAS HARDY'S CASE, ITEM 26 RELATED TO A PENDING APPLICATION FOR CCN, CERTIFICATES OF CONVENIENCE AND NECESSARY, ITEM 36 RELATED TO THE CITY OF SUNSET VALLEY, ET AL, VERSUS THE CITY OF AUSTIN, AND POTENTIALLY UNDER SECTION 551.0726 THE OPEN MEETINGS ACT, REAL ESTATE MATTERS RELATED TO BLOCK 21 THAT SHOWS AS ITEM NO. 29. WITH THAT -- WITHOUT OBJECTION WE ARE NOW IN CLOSED SESSION AND WILL BE BACK AT NOON FOR OUR GENERAL CITIZENS COMMUNICATION.

Goodman: OKAY. WE'VE RETURNED FROM EXECUTIVE SESSION TO OPEN SESSION. AND WE TOOK UP ITEM NUMBER 29. WE ARE NOW READY ON THE AGENDA TO TAKE UP CITIZEN COMMUNICATION. THE MAYOR IS TEMPORARILY OFF THE DAIS. AND LET ME FIND MY PAGE. THE FIRST SPEAKER IS RICHARD TROXELL TO SPEAK ON HOMELESSNESS IN AUSTIN. IS MR. TROXELL HERE? WE'LL COME BACK IF HE'S NOT. ERIC NELSON? OUR NEW CITY HALL, A QUESTION TO THE PEOPLE OF AUSTIN. IS MR. NELSON HERE? OKAY. CHANGING TO RICHARD HALPIN. AMERICAN YOUTH WORKS RECEIPT OF THE NATIONAL HOME BUILDERS ASSOCIATION RESEARCH CENTER 2005 GOLD AWARD OF ENERGY VALUE.

THANK YOU, MAYOR PRO TEM, MEMBERS OF THE COUNCIL, CITIZENS. MY NAME IS RICHARD HALPIN. I AM THE FOUNDER

AND CEO WAS AMERICAN YOUTH WORKS. I'M HERE TODAY TO CELEBRATE WITH YOU SOMETHING PRETTY SPECTACULAR THAT'S HAPPENED. AS YOU KNOW, WE'VE BEEN A PARTNER WITH THE CITY FOR MANY, MANY YEARS, AND DURING THE LAST 10 YEARS OF THAT PARTNERSHIP WE'VE BEEN BUILDING ENERGY EFFICIENT HOMES IN THE TOUGHEST NEIGHBORHOODS IN EAST AUSTIN. IN FACT, WHEN I CAME TO YOU ABOUT 10 YEARS AGO AND I SAID, WOULD YOU SIGN THIS DOCUMENT TO HELP US GO AFTER SOME H.U.D. MONEY FOR YOUTH BUILD PROGRAM, WE WANT TO BUILD ENERGY EFFICIENT HOMES WITH YOUNG PEOPLE WHO HAVE NEVER BUILT HOMES BEFORE? YOU SAID YOU GO AFTER IT RICHARD, AND MAKE IT HAPPEN. SO HERE WE ARE 10 YEARS LATER. THESE YOUNG MEN AND WOMEN STANDING BEHIND ME ARE AREMEMBER RA CORPS MEMBERS -- AMAYOR RA CORPS -- AMERI CORPS MEMBERS. AND THEY TAKE ON THE TOUGHEST PROJECTS SUMMER OR WINTER AND THEY DO A FANTASTIC JOBS. ONE OF THE PROJECTS THAT THEY TAKE ON IS TO BUILD HOUSES. WE BUILD ONLY ENERGY EFFICIENT HOMES SINCE WE'VE ALSO PARTNERED WITH THE CITY, AUSTIN UTILITY DEPARTMENT AND THE AUSTIN GREEN BUILDER PROGRAM. SO IN CELEBRATION OF THAT, WE HAVE AN AWARD THAT WE'VE BEEN GIVEN BY THE NATIONAL ASSOCIATION OF HOME BUILDERS RESEARCH CENTER. IT IS THE LARGEST ASSOCIATION IN THE UNITED STATES. THEY HAVE 110,000 PEOPLE IN ORLANDO A COUPLE OF WEEKS AGO AND FORCED ME TO COME AND PICK UP THIS GOLD MEDAL AWARD FOR THE CASA VERDE AWARD FOR HOME BUILDING HERE IN AUSTIN, TEXAS. LADIES AND GENTLEMEN OF THE COUNCIL AND LADIES AND GENTLEMEN OF THE CITY, WE COULDN'T HAVE BUILT THESE HOMES WITHOUT YOUR PARTNERSHIP. THESE ARE OUR HOMES THAT WE'VE BUILT FOR OUR COMMUNITY. I WANT TO SHOW YOU THE RESULT OF THIS. THESE ARE THE CUMULATIVE HOMES WE'VE BUILT. 87 HOMES OVER 10 YEARS. THIS IS THE PROPERTY VALUES THAT HAVE GONE UP IN EXCESS OF SIX MILLION DOLLARS. THIS IS THE PROPERTY TAXES THAT HAVE GONE UP NOW TO OVER \$700,000 ANNUALLY. THIS IS 100 NUMBERS PER YEAR AND THIS IS OVER 10 YEARS, AND THIS IS THE AMERI CORPS SCHOOL IRRELEVANT SHIP MONEY THAT WILL BE SPENT LOCALLY IN OUR COLLEGE. THIS IS THE AMOUNT OF MONEY

SAVED PER YOUNG PERSON AND YOU SEE IT'S IN EXCESS NOW OF \$200,000 IN SAVINGS BECAUSE THESE YOUNG PEOPLE ARE WORKING INSTEAD OF DOING SOMETHING ELSE. THIS SAYS IF WE RAISE THE GRADUATION RATE TO 70% FROM 60% THAT IT IS NOW TO 90% IN THE YEAR 2006, THE CITY WILL SEE AN INCREASE OF \$117 MILLION IN NEW TAX REVENUES. THAT'S A FANTASTIC CHANGE IN THE WAY THINGS ARE DONE NOW. AND LASTLY, THIS IS HOW WE'VE DONE THIS WITH LEVERAGE, FINANCIAL LEVERAGE. YOU CAN SEE THAT THE CITY-COUNTY FUNDS ARE THE DARK BLUE AND THE LIGHT BLUE FROM THE FEDERAL DOLLARS AND OTHER RESOURCES. WE NEED TO CHANGE THAT FORMULA AND SHOW A STRONGER INVESTMENT LOCALLY SO WE CAN LEVERAGE MORE DOLLARS IN THE FUTURE. AND LASTLY I WOULD LIKE TO ROLL TAPE AND SHOW YOU THIS AS IT ACTUALLY HAPPENS. THERE WERE TWO DOZEN OF THEM, POLICYMAKERS, BIG WIGS FROM WASHINGTON, D.C. AND OTHER PARTS OF THE COUNTRY. THEY STEPPED OFF A BLUE AND WHITE BUS, HUSTLED THROUGH A COLD, GRAY DAY, MADE THEIR WAY INTO A BRIGHT, GREEN HOME. THEY WERE GREETED AT THE DOOR BY THE YOUNG PEOPLE OF AMERICAN YOUTH WORKS CASA VERDE BUILDING PROGRAM, YOUNG PEOPLE WHO ALONG WITH THEIR INSTRUCTORS POSITIVELY BEAMED AS THEY SHOWED OFF THE WORK.

YOU CAN ACTUALLY TEXTURE AND TAPE AND FLOAT RIGHT ON TOP OF THAT, SO YOU DON'T HAVE TO PAY FOR EXTRA DRYWALL.

PARTICIPANTS GO TO SCHOOL HALFTIME AND WORK ON THE HOUSES THE REST OF THE DAY.

WE USE IT FOR INSULATING UNDER THE HOUSE.

ON TOP OF ALL THAT AND I MEAN LITERALLY ON TOP OF ALL THAT, UP ON THE ROOF ARE SOME SOLAR PANELS, CELLS THAT WORK SO EFFICIENTLY THAT IF YOU LOOK VERY, VERY CLOSELY, WHAT YOU CAN SEE IS AN ELECTRIC METER ACTUALLY RUNNING BACKWARDS. CASA VERDE DOES MORE THAN SAVE ENERGY, IT ALSO SAVES PEOPLE.

STAY OUT OF TROUBLE, STAY AWAY FROM THE STREETS,

GET OUT OF OF DRUGS.

WERE YOU HAVING TROUBLE WITH THOSE THINGS?

YES, I WAS. THIS PROGRAM CHANGED ME AND MADE MY FAMILY PROUD OF ME.

AND DID YOU CHANGE?

YES, SIR.

I WAS THINKING ABOUT WHAT I WANTED TO DO AND HAD NO SELF-ESTEEM AND HAD MYSELF DOWN IN THE DIRT. I DIDN'T REALLY FEEL THAT MUCH HOPE FOR MYSELF.

AFTER YOU GRADUATE FROM THE PROGRAM, I'M GOING TO DO ANOTHER YEAR AND I'M GOING TO GO TO A.C.C. AND GET A GOOD JOB.

POLICYMAKERS WERE IMPRESSED.

THE PROBLEM WITH TOO MANY YOUNG PEOPLE IS THAT THEY DON'T HAVE OPPORTUNITIES TO BE VALUABLE TO THEIR COMMUNITY. THEY DON'T HAVE AN TOWNT DO THAT.

THAT'S WHAT I WANT TO DO.

EVER SEE YOURSELF BEING THE BOSS BEFORE?

I'M THE BOSS RIGHT NOW.

PROBLEM SOLVED. OUT ON THE PORCH, JIM SWIFT, KXAN NEWS.

SO LADIES AND GENTLEMEN, IT'S A WONDERFUL THING TO HAPPEN, THIS BLUE RIBBON AWARD IS A GREAT HONOR TO US. TOGETHER WITH PARTNERS WE'D LIKE TO SHARE THAT HONOR WITH YOU. WE'VE SH OF OUR BOARD MEMBERS FROM AMERICAN YOUTH WORKS TODAY AND WE HAVE SPECIAL GUESTS FROM THE CITY AND SOME OF OUR PRIVATE PARTNERS. IF YOU ALL COULD COME FORWARD NOW. ROGER AND DAVID AND PAUL AND OTHER PEOPLE WHO ARE HERE, IF YOU COULD COME FORWARD. WHAT WE'D

LIKE TO DO IS BRING YOU THIS GOLD MEDAL FOR YOU FOR THE WORK YOU'VE ENABLED US TO DO. AND WE ALSO WANT TO BRING YOU A HAMMER THAT TALKS ABOUT HOW WE BUILD TOMORROW'S CITIZENS TODAY, TOGETHER. SO EACH ONE OF THESE YOUNG MEN AND WOMEN ARE GOING TO WALK UP THERE. WOULD YOU FELLOWS STAND OVER THERE SO WE CAN BRING THESE UP TO YOU? WE APPRECIATE IT VERY MUCH. IT'S REALLY A TERRIFIC PARTNERSHIP. SO WE'LL WALK THESE UP TO THE COUNCILMEMBERS AND THEN WE'LL WALK THESE OVER TO YOU GUYS. IS THAT OKAY, MADAM MAYOR PRO TEM?

IF YOU COME PAST THE PODIUM, WOULD THEY LIKE TO INTRODUCE THEMSELVES?

WE'D BE HAPPY TO DO THAT.

MY NAME IS JACOB JOHNSON AND I APPRECIATE ALL THAT YOU'VE DONE FOR US. THANK YOU VERY MUCH.

MY NAME IS (INDISCERNIBLE). THANK YOU FOR MAKING AUSTIN A BETTER PLACE.

MY NAME IS MELISSA BAKER. THANK YOU.

MY NAME IS ROSS KELLY AND I LOVE TEXAS.

MY NAME IS GREGORY DOTSON. WE REALLY APPRECIATE IT.

MY NAME IS CHASE HOLDER. THANK YOU FOR MAKING THIS POSSIBLE FOR US.

MY NAME IS (INDISCERNIBLE). AND WE APPRECIATE ALL THE SUPPORT.

HI, I'M LANA LITTLE AND I THANK YOU VERY MUCH.

MY NAME IS JASON BROWN AND I WANT TO THANK YOU FOR YOUR SUPPORT.

MY NAME IS EMILY LANE.

MY NAME IS NICOLE GARCIA. THANK YOU.

Goodman: I THINK THEY DESERVE A ROUND OF APPLAUSE. [APPLAUSE] RICHARD, DID YOU TAKE UP DICK'S TIME?

YES, MA'AM, I DID. THANK YOU AGAIN.

Goodman: THANK YOU. CHRISTOPHER BURNET. MURDER IN RIDGETOP NEIGHBORHOOD.

COUNCILMEMBERS, MY NAME IS CHRISTOPHER BURNET AND I'M A MEMBER OF THE RIDGETOP NEIGHBORHOOD ASSOCIATION AND I'M ALSO THE ASSOCIATION'S REPRESENTATIVE TO THE MUELLER NEIGHBORHOOD'S COALITION. AND I'M ALSO THE VICE-CHAIRMAN OF THE NORTH 1-800-PLANNING TEAM. AS I'M SURE YOU KNOW, A BRUTAL MURDER OCCURRED RECENTLY IN OUR NEIGHBORHOOD ON HARMON AVENUE. AND THIS MURDER HAPPENED IN THE MIDDLE OF DAY AND SADLY, MANY CHILDREN FROM RIDGETOP ELEMENTARY WITNESSED THE AFTERMATH. NOW, THE SPEAKERS THAT ARE GOING TO FOLLOW ME, MATT HOLLON AND NEAL POLLACK ARE GOING TO ADDRESS SOME OF THE SPECIFICS SURROUNDING THE MURDER. WHAT I'D LIKE TO DO BEFORE THEY TALK IS TO KIND OF LAY THE GROUNDWORK AND GIVE YOU A COUPLE OF POINTS TO KEEP IN MIND WHEN THEY SPEAK. FIRST OFF, THE NEIGHBORHOOD ASSOCIATION IS NOT HERE TO BLAME ANYONE, POINT FINGERS OR SAY WE TOLD YOU SO. WHAT WE'RE HERE TO DO IS ASK FOR HELP WITH SOLUTIONS TO OUR NEIGHBORHOOD'S RATHER UNIQUE PROBLEM. SO THE SECOND AND MOST IMPORTANT POINT I ASK YOU TO CONSIDER IS THAT THIS TRAGIC MURDER IS IN 19 WAYS THE RESULT OF A NUMBER OF PROBLEMS THAT ARE UNIQUE TO - - THAT UNIQUELY AFFECT THE RIDGETOP NEIGHBORHOOD. AND THOSE ARE AN OVERCONCENTRATION OF SOCIAL SERVICES IN ONE SMALL CORNER OF THE NEIGHBORHOOD. DANGEROUS AND INCREASING CUT-THROUGH TRAFFIC ALL OVER THE NEIGHBORHOOD. ILLOGICAL AND POORLY PLANNED ROADWAYS ALONG I-35 AND AIRPORT BOULEVARD. AND A BUSINESS CORRIDOR ALONG AIRPORT BOULEVARD THAT IS IN DESPERATE NEED OF AN ECONOMIC MAKEOVER. NOW, NONE OF THESE PROBLEMS LED DIRECTLY TO THE MURDER. WE'RE NOT SAYING THAT. BUT THEY CERTAINLY

HELPED CREATE AN ENVIRONMENT IN WHICH THE MURDER WAS LIKELY TO HAPPEN. SO THE MURDER WAS A SYMPTOM OF THIS DISEASE, NOT THE DISEASE ITSELF. SO THE QUESTION FOR OUR NEIGHBORHOOD ASSOCIATION IS HOW DO WE TREAT THE DISEASE? ONE PLACE TO START OR PROBABLY THE PLACE TO START IS THE NORTH LOOP NEIGHBORHOOD PLAN, WHICH YOU ALREADY ADOPTED, AND IT PROVIDES A GOOD STARTING POINT FOR ADDRESSING RIDGETOP'S PROBLEMS. BUT I'D LIKE TO SAY THAT THAT PLAN IS ONLY A STARTING POINT. MANY OF THE PROBLEMS I JUST DESCRIBED KIND OF GO BEYOND THE SCOPE OF THE PLAN, ESPECIALLY IN REGARD TO TRAFFIC, ROADS AND ECONOMIC DEVELOPMENT. WHAT WE'D LIKE YOU TO DO IS GIVE CAREFUL THOUGHT TO IDEAS THAT GO BEYOND THE NORTH LOOP PLANS THAT EXIST NOW. AND WE'LL BE COMING TO YOU PROBABLY IN THE DAYS AND WEEKS AHEAD WITH SOME IDEAS THAT THE NEIGHBORHOOD ASSOCIATION AND NORTH LOOP PLANNING TEAM HAVE BEEN BATTING AROUND. AND FINALLY, I DON'T WANT ANYONE TO GET THE IMPRESSION THAT ALL IS LOST IN THE RIDGETOP NEIGHBORHOOD. EVEN THOUGH THIS MURDER GOT A LOT OF MEDIA ATTENTION, ALL IS NOT LOST IN RIDGETOP. [BUZZER SOUNDS]. IT'S A DIVERSE NEIGHBORHOOD, FANTASTIC. IT INVOLVES RESIDENTS AND OUR CHILDREN AND ARE SERVED BY COMMITTED STAFF AND FACULTY AT RIDGETOP ELEMENTARY. WE HAVE GREAT NEIGHBORS AND WE HAVE COOL BUSINESSES LIKE THE TA MALLLY HOUSE, MRS. JOHNSON'S DONUTS AND BURGER TEKS AND WE'RE EXCITED ABOUT THE DEVELOPMENT OF MUELLER GOING ON ACROSS THE INTERSTATE FROM US.

Goodman: CAN YOU FINISH UP? YOUR TIME IS OVER.

WE JUST NEED SOME HELP TND EA NEED IT FROM YOU.
THANK YOU.

Goodman: MATT HOLLON?

GOOD EVENING, MY NAME IS MATT LOCAL ON AND I'M ALSO PRESIDENT OF THE RIDGETOP NEIGHBORHOOD ASSOCIATION AND I ALSO SERVE ON CONSTITUENT'S PLANNING COMMISSION. AND BASICALLY IT JUST WANTED TO BEGIN THE CONVERSATION WITH THE COUNCIL ON THIS

ISSUE AND WITH THE CITY STAFF IN GENERAL. OBVIOUSLY WE'VE ALL BEEN VERY SHAKEN AND SADDENED BY THE MURDER OF THIS YOUNG INDIVIDUAL, ONLY 22 YEARS OLD. AND WE WANTED TO LET YOU KNOW WE'VE BEGUN CONVERSATIONS WITH THE A.P.D., DETAILED CONVERSATIONS WITH THEM. WE'RE WORKING CLOSELY WITH RIDGETOP ELEMENTARY AND THE PARENTS THERE, MANY OF WHOM LIVE IN THE APARTMENTS IN WHICH THIS THING TOOK PLACE. WITH THE APARTMENT MANAGERS NEARBY, WHO IS AN EXEMPLARY PERSON AND IS REALLY KIND OF TAKEN BACK -- THERE'S THREE APARTMENTS TOGETHER THAT ARE IN THIS KIND OF AREA THAT'S BEEN PARTICULARLY UNSTABLE. WORKING WITH CHILD NING, JIM STRIKLAND WITH THE HEAD START PROGRAM. AND WORKING WITH LIFE WORKS, WHICH IS A SOCIAL AGENCY HELPING YOUTH GET BACK ON THEIR FEET, WHICH IS ALSO IN THE AREA. SO ONE OF THESE APARTMENTS IS PARTICULARLY DISMAL AT THIS POINT. THEY BASICALLY HAVE NO MANAGEMENT, -- THEY HAVE MANAGE. , BUT IT'S NOT EFFECTIVE. AND WE'RE GOING TO NEED THE HELP OF THE A.P.D., WE'RE GOING TO NEED THE HELP OF PROBABLY THE FIRE DEPARTMENT AND OTHERS IN REACHING OUT TO THE SCHOOL. WE'VE LEARNED THAT MANY OF THE CHILDREN FROM THIS PARTICULAR APARTMENT HAVE COME TO SCHOOL WITH INFECTED RAT BITES AND OTHER ATROCIOUS PROBLEMS. AND THEN THERE'S AN ATMOSPHERE OF STILL IN THIS APARTMENT -- OF FEAR STILL IN THIS APARTMENT COMPLEX. THE RESIDENTS THERE, MANY OF WHOM ARE IMMIGRANTS AND DON'T HAVE LEGAL STATUS, ARE WORRIED ABOUT WORKING WITH THE POLICE AND I KNOW THAT'S A CONCERN, BUT IT'S NOT WHERE WE WANT TO HEAD WITH THIS. WE WANT TO HAVE THESE PEOPLE BE ABLE TO LIVE IN A DIGNIFIED, SAFE ENVIRONMENT AND CONTINUE TO HAVE AFFORDABLE HOUSING AT THIS SPOT. SO I THINK IT'S MATTER OF ROOTING OUT A SMALL PERCENTAGE OF FOLKS WHO ARE CAMPED OUT THERE. SO WE'RE PROBABLY GOING TO NEED EXTRAORDINARY HELP. IN TALKING WITH THE POLICE, MANY ARE SAYING WE DON'T HAVE THE RESOURCES. WE'RE TRYING, BUT WE'RE SPREAD OUT. AND I'M VERY I AM PATHETIC TO THAT AND I UNDERSTAND THAT IS A CONCERN CITY-WIDE. BUT THIS IS NOT A PROBLEM THAT IS JUST

SUDDENLY HAPPENED OVERNIGHT AT THIS SPOT. THIS HAS BEEN GOING ON THERE FOR YEARS. THESE APARTMENTS HAVE BEEN VERY UNSTABLE. AND MY NEIGHBORHOOD ASSOCIATION JUST RECENTLY MERGED WITH THE NEIGHBORHOOD ASSOCIATION THAT USED TO BE IN THIS SPOT. YOU PROBABLY REMEMBER THEM. THE PATH THAT WE'VE REALLY TAKEN A NEW CHARGE AND NEAL IS GOING TO TALK A LITTLE BIT ABOUT THIS. IT'S -- WE'RE GOING TO TAKE A VERY COOPERATIVE APPROACH AND TRY TO WORK WITH ALL THE PARTIES ON THIS, INCLUDING YOU FOLKS. SO ANYWAY, THIS IS JUST AN APPEAL. WE'RE GOING TO TRY TO COME BY AND VISIT WITH YOU GUYS MORE IN THE FUTURE. WE'VE GOT SOME GOOD IDEAS I THINK ON HOW TO ADDRESS THIS, BUT I CAN CERTAINLY ANSWER QUESTIONS OR WE'LL PROBABLY BE SEEING YOU SOON.

Goodman: THANK YOU.

NEAL POLLACK.

HI. THANKS A LOT FOR HAVING ME UP THIS AFTERNOON. I WANTED TO INTRODUCE MYSELF AS A REPRESENTATIVE OF THE NEIGHBORHOOD THAT WAS ACTUALLY -- IN WHICH THE INCIDENT ACTUALLY TOOK PLACE. AND I ALSO WANTED TO ANNOUNCE THAT THIS NEIGHBORHOOD IS UNDER NEW MANAGEMENT AND THAT WE ARE -- WE HAVE RECENTLY MERGED WITH THE RIDGETOP NEIGHBORHOOD ASSOCIATION, AND THAT FOR LACK OF A BETTER TERM, WE'RE OPEN FOR BUSINESS. IN THE PAST THIS NEIGHBORHOOD HAS BEEN A NEGLECTED SPOT, A NEGLECTED LITTLE SPOT IN AUSTIN. AND CONSIDERING THAT THE MUELLER REDEVELOPMENT IS ABOUT TO HAPPEN OR IS ALREADY HAPPENING, THIS LITTLE NEGLECTED POCKET IS ACTUALLY VERY IMPORTANT TO THE CITY, AND BEYOND THAT THE RESIDENTS OF THIS NEIGHBORHOOD REALLY CARE ABOUT WHERE THEY LIVE AND ARE REALLY COMMITTED TO MAKING IT A FUN, SAFE NEIGHBORHOOD FOR THE FAMILIES WHO ARE ALREADY THERE. BUT AT THE SAME TIME WE ARE SORT OF CAUGHT IN A VOOIS VISE WHERE ON THE ONE HAND WE HAVE THIS CRIME, PROSTITUTION AND DRUGS AND LOITERING THAT ARE ENDEMIC TO THE NEIGHBORHOOD AND APPARENTLY HAVE BEEN FOR DECADES. AND THEN WE HAVE THE REAL ESTATE

SPECULATION GOING ON WHERE PEOPLE ARE BUYING UP PROPERTIES CHEAP AND FLIPPING THEM AND SELLING THEM AT INFLATED PRICES TO PEOPLE. I GUESS THAT ALWAYS GOES ON IN THESE KINDS OF NEIGHBORHOODS. BUT WE HAVE THESE THINGS GOING ON AT THE SAME TIME, SO THIS IS WHAT I GUESS YOU WOULD CALL A TRANSITIONAL NEIGHBORHOOD. WHAT WE'RE TRYING TO DO IS PRESENT AN OPTIMISTIC OTHER PATH WHERE THE PEOPLE WHO ARE ALREADY IN THE NEIGHBORHOOD CAN WORK WITH THE NEIGHBORHOOD ASSOCIATION AND WITH YOU AND WITH THE POLICE TO MAKE IT A BETTER AND SAFER PLACE. THIS IS A REALLY GOOD NEIGHBORHOOD WITH COOL BUSINESSES. LIKE I LOVE VIDEO, THE TAMALE HOUSE,. THE AIRPORT CORRIDOR CAN BE ONE OF AUSTIN'S JEWELS, AND IF WE WORK TOGETHER I THINK WE CAN MAKE IT SOMETHING IN WHICH WE CAN ALL TAKE PRIDE. SO I HOPE THAT IN THE MONTHS AND YEARS TO COME THAT WE'LL BE ABLE TO WORK TOGETHER AND PUT TOGETHER A NEIGHBORHOOD THAT EVERYONE CAN BE PROUD OF. THANKS A LOT.

Goodman: THANK YOU. I THINK THAT MR. HOLLON IS VERY FAMILIAR WITH THE NEIGHBORHOOD PLANNING AND THE AMENDMENT PROCESS AND THE RECENT ACKNOWLEDGMENT OF THE POLICY DECISION FROM COUNCIL THAT MADE TRANSPORTATION PLANNING AN INTEGRAL PART OF NEIGHBORHOOD PLAN, BUT WHICH HAS NOT BEEN FOLLOWED UNTIL NOW OR INCLUDED. AND ALONG WITH THE SORT OF INVENTORY OF ACCESS, WHICH SOUND LIKE YOU ALL VERY MUCH WOULD LIKE TO DO AND COORDINATING THAT WITH OUR ECONOMIC DEVELOPMENT INITIATIVE TO SEE WHAT WE CAN DO IN THOSE AREAS AS WELL. SO I LOOK TO MR. HOLLON TO BE YOUR LEADER IN THAT AND WELCOME THE FURTHER COMMUNICATION AND WORKING WITH YOU. NEXT IS LESLIE ALICIA COCHRAN.

THANK YOU VERY MUCH. I WANT TO THANK THE CITY MANAGER'S OFFICE FOR THE ASSISTANCE THEY'VE GIVEN ME IN REMEDYING THE LAST THING I SPOKE ABOUT HERE. NOW, I KNOW? THE CITY OF AUSTIN THE PEOPLE THINK I'M MAKING THE CITY POLICE LOOK BAD. TRUST ME, THEY DON'T NEED ANY HELP FROM ME TO MAKE THEMSELVES LOOK BAD. THEY DO A GOOD JOB ON THEIR OWN. WHAT I'M HERE TO

TALK ABOUT TODAY IS THE CITY POLICE BECAUSE THIS SUNDAY DURING SUPERBOWL SUNDAY I WAS INSIDE WATCHING, I HAD MY VEHICLE LEGALRY PARKED -- LEGALLY PARKED IN A SPACE AND SOMEONE CAME IN DURING THE THIRD QUARTER AND TOLD ME THAT THE A.P.D. WAS OUT THERE STEALING MY VEHICLE. SO I WENT OUT THERE AND DEALT WITH THEM. I CAN'T DO THE WHOLE THING, IT TAKES TOO LONG. BUT AFTER I GOT MY VEHICLE BACK THEY SORT OF CHASED ME OFF AND MADE ME LEAVE, AND THEN I HAD FIVE OFFICERS FOLLOW ME DOWN BECAUSE THEY SAID I COULDN'T PARK MY THING IN A LEGAL PARKING SPOT WHERE IT'S LEGAL FOR ME TO PARK. I COULDN'T PARK IT ON THE SIDEWALK. AND I GOT FOOLED BY THESE FIVE GESTAPO TYPE OFFICERS. AND EVERY TIME SOMEONE STOPPED TO SAY HI TO ME, THEY THREATENED TO GIVE ME A TICKET FOR OBSTRUCTING THE SIDEWALK. I DON'T NEED TO MAKE THEM LOOK BAD. BUT ANYWAY, I'M HERE BEFORE THE CITY COUNCIL TO HELP ME WITH IS WHAT THEY DESTROYED MY CART, THEY MADE WHEELS THAT LOOK LIKE THIS LOOK -- NOW, THIS ISN'T -- THIS ISN'T POLICE PROTECTION WHEN YOU GET YOUR WHEELS BACK AND IT LOOKS LIKE THIS AND THEY WERE ALL MANGLED. THIS IS THE TYPE OF PROTECTION THAT A.P.D. GIVES TO THE AUSTIN PEOPLE. AND THE OTHER THING IS YOU CAN'T BLAME THE INDIVIDUAL OFFICERS BECAUSE THEY SAY CREAM RAISES TO THE -- RISES TO THE TOP, BUT I'M A FARM BOY AND THE SCUM WILL GET TO THE TOP QUICKER THAN THE CREAM AND RUIN THE WHOLE BATCH. THAT'S ANOTHER REASON THAT WE SHOULD GIVE KNEE THE BOOT BECAUSE UNDER HIS -- I'VE BEEN HERE FOR NINE YEARS, I'VE BEEN HERE FOR NINE YEARS. HIS PUNKS HAVE COME AT ME AND REALLY PUT ME UNDER A LOT OF STRAIN. ALL THEY'VE BEEN DOING IS TRY TO DRIVE ME OUT OF OUT OF TOWN, DRIVE OUT HOMELESS PEOPLE OUT OF TOWN. AND THE TROUBLE WITH THAT IS WE USED TO TREAT THE BLACKS IN THIS COUNTRY LIKE WE TREAT THE HOMELESS DO NOWADAYS BECAUSE WHEREVER YOU GO YOU'RE NOT WANTED. YOU CAN WALK -- THE NICE PEOPLE THAT ARE HOMELESS WHO WALK ACROSS THE STREET ON SIXTH STREET AND NOT BE BOTHERED. YOU'RE A HOMELESS PERSON AND WALK ACROSS THE STREET WITHOUT -- AND AGAINST THE LIGHT, THEY'RE IN JAIL BECAUSE THEY DID THE SAME THING OTHER PEOPLE IN

AUSTIN CAN DO. [BUZZER SOUNDS] ANYWAY, I WANT TO WRAP THIS UP AND IT WILL BE TWO OR THREE WEEKS BEFORE I CAN TALK TO YOU AGAIN. BUT LISTEN, I'M NOT HERE TO BRING THE POLICE DEPARTMENT DOWN, I'M HERE LIKE YOU ARE TRYING TO HELP THE POLICE DEPARTMENT, AND ONE WAY IS TO GIVE KNEE THE BOOT.

Goodman: THANK YOU. JENNIFER GALE? IS MS. GALE HERE? JENNIFER KIM? COUNCILMEMBERS, THANK YOU VERY MUCH, MY NAME IS JENNIFER KIM AND I'M HERE ON BEHALF OF THE AUSTIN ASIAN COMMUNITY □ TO GIVE YOU A HAPPY ASIAN NEW YEAR. I KNOW SOME OF YOU HAVE ATTENDED OUR FESTIVITIES AND I THANK YOU VERY MUCH. WE HAD LAST WEEKEND THE VIETNAMESE COMMUNITY CELEBRATION OVER AT A HIGH SCHOOL AND I SAW A REPRESENTATIVE FROM MR. MCCRACKEN'S OFFICE AS WELL AS BETTY DUNKERLEY AND THE MAYOR. AND WE ALSO HAVE THE ASIAN AMERICAN CULTURAL CENTER WHERE WE HAD SEVERAL PEOPLE EXPRESS THEIR SUPPORT FOR THE ASIAN AMERICAN COMMUNITY THERE. AND THIS WEEKEND WE HAVE THE CHINESE SOCIETY OF AUSTIN, AND I BELIEVE THAT IT WILL BE A GREAT BANQUET FOR EVERYONE. AS YOU KNOW, WITH LUNAR KNEW YEAR, IT WOULDN'T BE THE SAME WITHOUT FOOD SO THAT IS A BIG PART OF OUR CULTURE. I WANTED TO ALSO TAKE TIME TO SHARE WITH YOU THE HISTORY OF OUR TRADITION IN CELEBRATING THE NEW YEAR. CHINESE NEW YEAR STARTS WITH A NEW MOON ON THE FIRST DAY OF THE NEW YEAR. AND AS YOU KNOW, WE JUST SAID GOOD-BYE TO THE YEAR OF THE MONKEY AND SAID HELLO TO THE OF THE ROOSTER. AND IT IS A 15 DAY CELEBRATION THAT LASTS UNTIL THE FULL MOON AND IT IS CAPP OFF WITH THE LANTERN FESTIVAL. LUNAR CYCLE IS ABOUT 29.5 DAYS. THAT IS WHY IN ORDER TO WATCH UP WITH THE SOLAR CALENDAR, WE ADD AN EXTRA MONTH ONCE EVERY FEW YEARS. AND THE NEW YEAR'S FALLS ON A DIFFERENT DATE EVERY YEAR, WHICH KIND OF LENDS SOME CONFUSION AT LEAST FOR ME IN TRYING TO UNDERSTAND WHEN THE NEXT CELEBRATION IS. AND I ALWAYS HAVE TO GO TO MY MOTHER TO FIND OUT WHEN THAT IS. THIS NEW YEAR'S EVE AND NEW YEAR'S DAY ARE CELEBRATED AS A FAMILY AFFAIR. AND IT IS A TIME FOR REUNION AND THANKSGIVING. AND WE CELEBRATE OUR FAMILIES FROM

THE PAST BECAUSE THEY HAVE SET THE FOUNDATION FOR OUR FAMILY AND ALSO THE FAMILY OF THE PRESENT. AND IT IS AN HONOR OF HEAVEN AND EARTH AS WELL AS THE GODS OF THE HOUSEHOLD AND OUR FAMILY ANCESTORS. ON NEW YEAR'S EVE WE HAVE A COMMUNAL FEAST AND WE HAVE A FEAST THAT SYMBOL SYMBOLIZES FAMILY UNITY AND THE PAST AND PRESENT GENERATION. ABOUT DURING THE NEXT 15 DAYS YOU WILL HAVE DIFFERENT TRADITIONS WHICH WE FOLLOW AND SOME OF THEM ARE FOLLOWED BY ASIAN FAMILIES AND SOME ARE THEM ARE NOT, BUT IT IS SOMETHING THAT I THOUGHT I WOULD SHARE WITH YOU. THE FIRST DAY OF THE LUNAR NEW YEAR IS THE WELCOMING OF THE GODS OF HEAVENS AND EARTH AND MANY PEOPLE ABSTAIN FROM EATING MEAT ON THE FIRST DAY BECAUSE IT'S THOUGHT THIS WILL ENSURE LONG AND HAPPY LIVES FOR THEM. ON THE SECOND DAY THEY PRAY TO THINK ANCESTORS AS WELL AS TO THE GODS AND THEY ARE EXTRA KIND TO THEIR DOGS AND FEED THEM WELL AS IT IS BELIEVED THAT THE SECOND DAY IS THE BIRTHDAY OF ALL DOGS. SO BE NIECE TO YOUR PUPP. [BUZZER SOUNDS] THROUGHOUT THE.

Goodman: COULD YOU WRAP UP? --

THERE ARE SPECIAL EVENTS THAT CELEBRATE FAMILY AND FRIENDS, AND NOODLES ARE EATEN, FOR EXAMPLE, TO SIGNIFY LONG LIFE. TO I WANT TO THANK YOU ON BEHALF OF YOUR CONTINUED SUPPORT OF THE ASIAN AMERICAN COMMUNITY. I LOOK FORWARD TO SEEING YOU AT OUR CELEBRATIONS. SO THANK YOU.

Goodman: THANK YOU. GAVINO FERNANDEZ? GOOD AFTERNOON, COUNCIL, MY NAME IS GAVINO FERNANDEZ WITH EL CONCILIO. BEFORE I GO THROUGH MY LIST OF ITEMS, I WOULD LIKE TO EXTEND AN INVA INVITATION TO HOMEOWNERS AROUND THE PLAZA SALTILLO. THE LULAC CHAPTER 4814 WILL HOST A TOWN HALL MEETING ON TUESDAY, FEBRUARY THE 15TH, 6:30 P.M. AT THE PAN AMERICAN COMMUNITY CENTER TO EDUCATE LANDOWNERS AND BUSINESSES IN OR AROUND THIS DISTRICT ABOUT THE UPCOMING PROPOSED TOD DISTRICT SO THAT THEY MAY ASK QUESTIONS AS TO THE IMPACT ONCE THIS DISTRICT IS ADOPTED. ONE OF THE MOST COMMON QUESTIONS THAT

PEOPLE HAD WHEN IT WAS PRESENTED HERE LAST WEEK FROM PROPERTY OWNERS AND BUSINESSES IS WILL THIS DISTRICT INCREASE MY PROPERTY TAXES? WHAT TYPE OF DEVELOPMENT WILL THIS GENERATE ONCE THIS DISTRICT IS ADOPTED? SO WE STRONGLY ENCOURAGE MEMBERS, RESIDENTS AND PARTICULARLY LANDOWNERS TO ATTEND THIS VERY IMPORTANT MEETING. WE WILL BE MEETING THIS SATURDAY AT PLAZA SALTILLO AT 12:30 AND MEMBERS OF THE NEIGHBORHOOD ASSOCIATION AND LULAC 4814 WILL BE GOING DOOR TO DOOR IN THE SURROUNDING AREA ONCE AGAIN TO EDUCATE AND INFORM PROPERTY OWNERS OF THIS VERY IMPORTANT MEETING. WE HAVE ASKED THE CITY STAFF TO BRING ALONG A PERSON THAT SPEAKS SPANISH THAT WOULD BE ABLE TO INTERPRET THE INFORMATION THAT WILL BE PROVIDED AT THIS MEETING, AND WE HOPE THAT THE CITY WILL ASSIST US IN DOING THAT. THE SINGLE MEMBER DISTRICTS I THINK IS ONCE AGAIN A VERY IMPORTANT ISSUE AND VERY MANY DIFFERENT REASONS AS TO WHY WE SHOULD BRING SINGLE MEMBER DISTRICTS OR WHAT I LIKE TO REFER TO AS NEIGHBORHOOD DISTRICT SO THAT THIS CITY WOULD BE MORE REPRESENTATIVE GEOGRAPHICALLY AND THAT IT COULD MAKE IT FINANCIALLY CAPABLE FOR VEDZ INDIVIDUALS TO RUN IN THESE PARTICULAR SEATS. I KNOW THAT A MAJORITY OF YOU AT GIVEN TIMES HAVE INDICATED YOUR SUPPORT FOR THE CREATION OF SINGLE MEMBER DISTRICTS FOR THIS COMMUNITY, AND I THINK WE HAVE AN OPPORTUNITY ON THE MAY BALLOT TO PLACE IT ON THE BALLOT. BECAUSE OF THE NUMEROUS TIMES THAT IT'S BEEN ON THE BALLOT, AND WITH TODAY'S TECHNOLOGY WE COULD BRING BACK ALL THE DATA AND ALL THE INFORMATION THAT MANY STEERING COMMITTEES AND WHATNOT HAVE BEEN PUT TOGETHER IN BRINGING THIS ISSUE TO THE FOREFRONT. I KNOW THAT BREWSTER, WHEN YOU RAN FOR OFFICE I SAW A MAIL DROP THAT HIGHLIGHTED THE FACT THAT IF YOU WERE ELECTED YOU WOULD BE THE ONLY WEST AUSTIN REP ON THE COUNCIL. SO I THINK THAT I FEEL THAT I COULD SAY THAT YOU'RE ONE INDIVIDUAL THAT WOULD BE IN SPONGE SUPPORT OF SEEING -- STRONG SUPPORT OF SEEING SINGLE MEMBER DISTRICTS BECOME A REALITY. THANK YOU VERY MUCH.

Goodman: THANK YOU. WERE YOU IN FAVOR, MR. FERNANDEZ, OF SINGLE MEMBER DISTRICTS LAST TIME? I THOUGHT I HAD REMEMBERED YOU NOT?

THE LAST SIX TIMES THAT IT WAS ON THE BALLOT, THE FIRST FOUR OR FIVE TIMES WE WERE AGAINST SINGLE MEMBER DISTRICTS, YOU ARE CORRECT IN THAT ASSUMPTION. HOWEVER, THINGS HAVE CHANGED. YOU ANNEXED AND POPULATION HAS CHANGED, SO LIKE THE WEATHER, THERE'S FOUR DIFFERENT SEASONS IN A YEAR, WE ALSO CHANGE BASED ON THE CHANGES. THANK YOU.

Goodman: THANK YOU. DEBBIE RUSSELL, CONTINUING ON TASERS.

ACTUALLY, I HAVE A TECHNICAL QUESTION. IS THERE A COUNTER UP HERE NOW?

PARDON?

IS THERE A COUNTER? SOMEBODY SAID THERE SHOULD BE SO I COULD WATCH MY TIME?

I'M NOT SURE WHERE IT IS.

AH, LOOK AT THAT. THANK YOU. BEFORE I STARTED, I WANTED TO INVITE ONE OF THE COUNCILMEMBERS OR PERHAPS MR. GARZA IF HE'S OUT THERE WATCHING OR AN A.P.D. OFFICER TO COME DOWN AT THE END OF THIS AND DEMONSTRATE A TASER IN USE TO PROVE THAT IT IS INDEED SAFE AS THEY DO CLAIM. AS PREDICTED THE MARDI GRAS CELEBRATIONS WERE A HORROR ZONE ON TUESDAY NIGHT AND ALTHOUGH THERE WERE NO REPORTS I'VE SEEN OF TASER INCIDENTS, OUR CAMPAIGNERS ON THE GROUND HAVE HEARD NUMEROUS REPORTS AND UNFORTUNATELY WE DON'T HAVE ENOUGH CAMERAS YET ON THE GROUND YET -- YET, I SHOULD EMPHASIZE -- TO CAPTURE THESE, BUT WE WILL SOON. WE HAVE BEEN TALKING TO PEOPLE ON SIXTH STREET AND THE EAST SIDE AND THERE ARE SO MANY REPORTS OF TASER USE ON THERE THAT THERE IS NO WAY -- WE COULDN'T HAVE COINCIDENTALLY COME ACROSS THESE REPORTED 247 INCIDENTS. THEY ARE WAY UNDERREPORTING THESE USE OF THESE NON-LETHAL

WEAPONS. ALSO IT'S BEEN PROPOSED THAT BESIDE THE RISK FROM SHOCK THAT IF WE'RE STICKING PEOPLE WITH THESE TWO INCH NEEDLES, ARE THEY BEING REUSED AGAIN IN DIFFERENT PEOPLE IN THE SAME NIGHT? HOPEFULLY THE FORCE HAS MORE SENSE THAN THAT, BUT I'M NOT SURE, THOUGH. THE SAFETY OF THESE WEAPONS HAVE BEEN RECENTLY DISAPPOINTED BY A CALIFORNIA DOCTOR, AND -- BUT YET PUBLIC SAFETY SPOKES PEOPLE WHO ARE NOT MEDICAL EXPERTS CONTINUE TO DEFEND THE WEAPONS AS NOT HARMFUL. MEANWHILE, OVER AT TASER INTERNATIONAL WE'VE SEEN A LOT OF CORRUPTION. THE MEDICAL EXPERT WHO THEY HIRED THAT CLAIMED THEY WERE SAFE HAS BEEN FOUND TO HAVE MAJOR CONFLICT OF INTERESTS, STOCKHOLDERS ARE PULLING OUT. THE STATE OF ARIZONA IS SUING TASER INTERNATIONAL FOR FALSE ADVERTISING OF SAFETY. AND YET THEY ARE COMING UP WITH A NEW AND IMPROVED MODEL, WHICH I'M SURE Y'ALL ARE GOING TO BE BUYING HERE SOON BECAUSE 50,000 VOLTS OF ELECTRICITY AT THREE TO FIVE SECONDS IS APPARENTLY NOT ENOUGH, EVEN THOUGH THAT HAS MANAGED TO KILL 80 PEOPLE IN NORTH AMERICA ALONE. I ALSO WANT TO POINT OUT INTERESTING THAT BUSH TRIED TO NAME BERNARD KERIK TO HOMELAND SECURITY HEAD, AND HE HAPPENS TO BE A TASER INTERNATIONAL BOARD MEMBER. THESE ARE THE PEOPLE WE'RE DOING BUSINESS WITH. AND LIKE THE BUSINESSES HERE, ARE THESE THE PEOPLE WE REALLY WANT TO BE DOING WITH THAT DIRECTLY PROFIT OFF OF TORTURE? AND I THOUGHT WE HAD VOTED ON A RESOLUTION TO BE A CITY OF PEACE? ALSO THOUGHT WE HAD VOTED ON A RESOLUTION AGAINST THE PATRIOT ACT AND WHERE ARE WE NOT HONORING IT? A.P.D. DOES IN FACT WORK TO PROTECT US, NOT TO SERVE A NATIONAL AGENDA TO CURB PURSUANT AND PURSUE RACIST WARS AND LET'S KICK HOMELAND SECURITY OUT OF A.P.D., NOT ACCEPT ANY MORE FUNDS OUT OF THE DEPOSIT. WE CAN BE SAFE AND FREE. IT IS POSSIBLE EVEN IN THIS CLIMATE. LAST WEEK THEY SAID THAT OFFICERS WERE PROPERLY TRAINED, BUT LAST NOVEMBER THE STATESMAN REPORTS THAT THE DEPARTMENT'S POLICY GIVES OFFICERS WIDE DISCRETION TO USE THESE -- [BUZZER SOUNDS]. IS THAT REALLY POLICY. I WOULD LIKE TO SAY THAT WE WILL BE OUT FRONT OF THE A.P.D.

HEADQUARTERS WITH A PRESS CONFERENCE. I'D LIKE TO CALL AGAIN ON CITY OF AUSTIN TO CALL IMMEDIATELY FOR A MORATORIUM ON THEIR USE UNTIL WE CAN FURTHER STUDY THESE AND SEE IF THEY'RE IN FACT RECORDING THE USE OF THESE DEATH WEAPONS. I DON'T WANT TO SEE AUSTIN BECOME ABU GRAIB ON THE COLORADO. THANK YOU.

Goodman: THANK YOU. WE HAD A MEMO THAT LAYS OUT SOME OF THE GROUND RULES FOR USING TASERS AND IT ALSO SAYS THAT ADDITIONAL RESEARCH IS BEING OBTAINED IN ORDER TO FORMULATE A COMPREHENSIVE POLICY. DO YOU HAVE THIS? OKAY. SO YOU CAN HAVE MINE. SO I THINK THAT EVERYBODY IS WORKING ON IT TO MAKE SURE THAT WE USE THE TOOLS RESPONSIBLY. THAT WE HAVE OFFICIAL RULES AND GUIDELINES IN PLACE AND TRAINING. THANK YOU. OKAY. JENNIFER GALE, HAS SHE COME? NO? OKAY. OKAY. WE WILL THEN GO BACK INTO EXECUTIVE SESSION TO -- FOR PUBLIC CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS AGENDA ITEMS 36 RELATED -- WAIT. 25 ALSO? NUMBER 25 RELATED TO MARY LOPEZ VERSUS THOMAS HARDIES, NUMBER 36 RELATED TO SUNSET VALLEY, SAVE OUR SPRINGS ET ET AL VERSUS CITY OF AUSTIN AND LOWE'S. AND I BELIEVE THOSE ARE THE ONLY TWO ITEMS. SO WE WILL RETURN TO OPEN SESSION FOLLOWING THAT WITHOUT TAKING ACTION ON ANY ITEM WE HEAR THERE.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN CLOSED SESSION PURSUANT TO SECTION 551.071, NO TEXAS WAS TAKEN. WE TOOK UP ITEMS 29 AND 36. WE DID NOT AND WILL NOT TAKE UP ITEM NUMBER 36. WE DID ALSO PURSUANT TO SECTION 551.072 OF THE OPEN MEETINGS ACT DISCUSS ITEM NUMBER 29 RELATED TO BLOCK 21. NO DECISIONS WERE MADE. COUNCIL, WITHOUT OBJECTION, JENNIFER GALE HAD A CONFLICT AND MISSED HER 12:00 O'CLOCK GENERAL CITIZEN COMMUNICATION, SO WITH THAT, YOU WILL HAVE THREE MINUTES. WELCOME.

THANK YOU, MAYOR WYNN, CITY MANAGER LAURA HUFFMAN, CITY ATTORNEY, COUNCILMEMBERS ALVAREZ, MCCracken, DANNY DANNY THOMAS AND MY ABLE AND

SVENNER RABL OPPONENT, BETTY DUNKERLEY. I'M JENNIFER GALE. WE STILL HAVE FOUR OR FIVE MORE DAYS TO SUBMIT APPLICATIONS TO THE AUSTIN POLICE DEPARTMENT FOR NEW HIRES. THAT WILL TRAIN IN OCTOBER TO NOVEMBER. SO IF YOU ARE INTERESTED IN BEING AN AUSTIN POLICE OFFICER, 20 AND A HALF YEARS OF AGE TO 41, YOU'RE ABLE TO BE ON THE POLICE FORCE. I WANT TO PROPOSE ONCE AGAIN BIKE AVENUES. BIKE AVENUES ARE SOLELY FOR BIKES, NOTHING MOTORIZED CAN RIDE ALONG A BIKE AVENUE. IT'S SOLELY FOR THE USE OF PSYCH -- CYCLISTS THAT CAN TRAVEL DOWNTOWN OR IN THE COUNTRY. YOU CAN DO IT AT A LEISURELY PACE OR VERY QUICKLY BASED ON WHAT PART OF THE STREET AVENUE. BIKE AVENUE IS AN EXISTING STREET. IT'S NOT A PATH OR A WINDING ROAD ALONG A RIVER. IT'S AN EXISTING STREET THAT CAN TAKE YOU RIGHT ON OUT INTO THE COUNTRY AND WE CAN CHOOSE THAT STREET TO DEVELOP IT SO THAT A YOUNG CHILD OR ELDERLY PERSON, MENTAL AGED OR EVEN LANCE ARMSTRONG COULD TRAVEL ON THIS ALL DAY LONG WITHOUT ANY FEAR OF INJURY. I KNOW THAT YOU'VE BEGUN TO TRY TO DO THAT ON AN EAST-WEST ROUTE, AND THAT YOU'RE STILL TRYING TO DEVELOP THAT. BUT I THINK IF WE DEVELOP THESE ALL OVER AUSTIN, IT WILL REDUCE PEOPLE'S DESIRE TO HOP INTO THEIR CARS AND HAVE A GOOD TIME TOURING AUSTIN IN THEIR CARS, RATHER THEY WILL DO IT ON THEIR BIKES, ELIMINATING THEM FROM THE TRAFFIC PROBLEM. AGAIN, WE'VE GOT FOUR OR FIVE MORE DAYS TO APPLY TO BECOME AN AUSTIN POLICE OFFICER. AND THIS VALENTINE'S DAY GIVE SOMEONE A HUG. MMMM. THANK YOU.

Mayor Wynn: THANK YOU, JENNIFER. SO WITH THAT, COUNCIL, WE'LL GO TO OUR 2:00 O'CLOCK BRIEFINGS. FIRST IS OUR QUARTERLY ECONOMIC UPDATE. I'D APPRECIATE A STAFF PRESENTATION.

GOOD AFTERNOON, MAYOR, COUNCILMEMBERS. I'M GREG CANALLY, THE ACTING BUDGET OFFICER AND TODAY I WILL BE WALKING YOU THROUGH THE QUARTERLY ECONOMIC UPDATE. AS WITH PREVIOUS REPORTS WE'VE BEEN LOOKING AT THE NATIONAL AND LOCAL INDICATORS IN DATA TO GIVE US A SNAP STATE OF THE CURRENT STATE OF THE ECONOMY BOTH NATIONAL AND IN AUSTIN AS WELL. SO

FIRST TO THE NATIONAL INDICATORS. THE ONCE WE'LL LOOK AT ARE ALL CALENDAR YEAR AS OPPOSED TO OUR FISCAL YEAR. AND ANY ONES THAT ARE DIFFERENT I'LL MENTION IT TO YOU. FIRST OFF IS A USGDP. IT IS CONSIDERED THE BROADEST MEASURE OF THE ECONOMY'S HEALTH. IN THE FOURTH QUARTER OF 2004, GDP GREW AT AN ANNUAL RATE OF 3.01%. THIS WAS SLIGHTLY DOWN FROM THE THIRD QUARTER AND SLIGHTLY BELOW THE EXPECTATIONS OF 3.5%, BUT IN FACT MOST EXPERTS BELIEVE THAT THIS NUMBER WILL BE REVISED UP IN THE COMING MONTHS. FOR 2004 THE ANNUAL GROWTH RATE CAME IN AT 4.4%. THIS IS UP FROM THREE PERCENT IN 2003, AND THIS IS THE MOST ROBUST GROWTH SINCE 1999. AS A REMINDER, CONSUMER SPENDING ACCOUNTS FOR APPROXIMATELY TWO-THIRDS OF GDP, ENJOYING THE FOURTH QUARTER, CONSUMER SPENDING ROSE AT 4.6%. AND FOR THE YEAR IT WAS UP 3.8% AND THIS IS THE STRONGEST IT'S BEEN SINCE THE YEAR 2000. GROWTH WAS SLIGHTLY DAMPENED BY BIG TRADE IMBALANCE THAT WE HEAR ABOUT IN THE NEWS AS WELL AS SOME HIGH ENERGY COSTS. THE NEXT SHOWS YOU THE GRAPH, THE CHART OF THE USGDP ON THE CALENDAR YEAR QUARTERS. MOVING ON TO CONSUMER CONFIDENCE INDEX, THIS IS A MONTHLY REPORT THAT PROVIDES A LEADING INDICATOR OF THE OUTLOOK IN THE NEXT SIX MONTHS FROM THE PERSPECTIVE OF THE CONSUMER. IN 2004 THE INDEX BROKE 100 FOR THE FIRST TIME SINCE JUNE OF 2002 AND IT RANGED FROM A LOW OF 88.5 IN FEBRUARY TO A HIGH OF 105.7 IN JULY. THE MOST RECENT INDEX WAS THIS PAST AROUND AND IT ROSE TO 103.4. PART OF THE SURVEY, WHICH IS A SURVEY OF FIVE THOUSAND HOUSEHOLDS, THEY ASK ABOUT JOBS, HOW PEOPLE ARE FEELING ABOUT JOBS. AND THOSE PEOPLE RESPONDING THAT JOBS ARE PLENTIFUL ROSE, WHILE PEOPLE RESPONDING THAT JOBS ARE HARD TO GET DECLINED. WHICH IS A GOOD SIGN, ALTHOUGH THEY'RE BOTH POLLING ABOUT THE SAME, IN THE LOW 20%. AND THERE IS THE CALENDAR YEAR CHART OF THE INDEX GOING BACK TO 2003. MOVING ON, THE FINAL NATIONAL INDICATOR WE'LL LOOK AT IS THE EMPLOYMENT SITUATION. JANUARY 2005, WHICH IS THE MOST RECENT THE UNEMPLOYMENT DIPPED 5.2%, DOWN FROM 5.7% A YEAR AGO. IN LOOKING AT THE MONTHLY JOB CREATION, AND THIS WAS THE MONTHLY

JOB REPORTS THAT IS SO WIDELY REPORTED, IN JANUARY OF 2005 THERE WERE 146,000 JOBS CREATED, UP FROM 117 117 JOBS 117,000 JOBS TREATED. THIS AVERAGED ABOUT 175 JOBS PER MONTH. MOST ECONOMISTS SAY IT TAKES ABOUT 150,000 AND 250,000 250,000 JOBS A MONTH TO KEEP UP STEADY GROWTH. NATIONALLY WE'VE NOW SEEN 20 CONSECUTIVE MONTHS OF JOB GROWTH. ONE OTHER ISSUE TO POINT OUT IS ONE OF THE REASONS THAT THE UNEMPLOYMENT RATE DROPS IS THAT THE LABOR FORCE IS SHRINKING, AND YOU CAN SEE THAT BY LOOKING AT THE LABOR FORCE PARTICIPATION RATE, WHICH IS NOW DOWN TO 65-POINT 8%. AND THERE'S THE MONTHLY CHART OF THE UNEMPLOYMENT RATE GOING BACK TO 2003 CALENDAR YEAR.

> NOW WE'LL LOOK AT THE LOCAL ECONOMY. BEFORE WE DO THAT, I JUST WANTED TO SHARE IN COMMENTS FROM RAY PERRYMAN FROM HIS MOST RECENT FORECAST IN WHICH HE SAID THAT THE ECONOMY WAS AUSTIN-SRKZ MSA IS EXPECTED TO ACHIEVE MODERATE EXPANSION OVER THE 2004-2009 TIME FRAME. AS WE GO THROUGH THESE DATA HERE WE CAN SEE HOW THAT'S OCCURRING. THE FIRST IS THE AUSTIN MSA EMPLOYMENT. AS A REMINDER, THIS IS AN ENTIRE MSA FIVE COUNTIES, NOT JUST THE CITY OF AUSTIN. THE EMPLOYMENT TRENDS ARE POSITIVE IN 2004 THE AVERAGE MONTHLY EMPLOYMENT MOVED UP 656,000, UP FROM 652 IN 2003. THE MONTHLY DATA IN 2004 SHOWED THAT THERE WERE 662,000 JOBS. FOR THE OVERRULE FOR AUSTIN MSA IN 2004, 6100 JOBS WERE ADDED, AND THIS COMPARES TO LAST YEAR WHEN THERE WAS A NET LOSS OF 4300 JOBS. AND THE UNEMPLOYMENT RATE HAS DIP TO FOUR PERCENT. AND THERE'S OUR CHART OF THE TOTAL EMPLOYMENT IN THE MSA. ANOTHER CALENDAR YEAR INDICATOR THAT WE LOOK AT IS THE FORECLOSURES AND BANKRUPTCIES. THESE ARE BOTH LAGGING INDICATORS IN TERMS THEY TELL US WHERE WE HAVE BEEN IN THE ECONOMIC CYCLE. SPECIFICALLY WHERE -- SPECIFICALLY THEY INCREASE AT THE END OF A DOWNTURN, AND ALTHOUGH THE '04 ABSOLUTE NUMBERS FOR BOTH ARE SLIGHT INCREASES FROM '03, THE RATE OF INCREASE HAS SLOWED DRAMATICALLY, INDICATING THAT THERE'S AN ECONOMIC EXPANSION. IN 2004 WE ENDED WITH 4200 FOR

CLOSURES ON -- FORECLOSURES IN TRAVIS COUNTY, WHICH WAS AN 8% INCREASE OVER 23. AND YOU CAN -- 2003. AND YOU CAN SEE COMPARING WHAT HAPPENED IN 2003 TO 2002, THERE WAS A 60% INCREASE. TO THE GROWTH IN THE FORECLOSURES HAS SLOWED. THIS IS IN LINE WITH WHAT WE'VE SEEN IN DALLAS AND FORT WORTH AND SAN ANTONIO. BANKRUPTCIES. 2004 THERE WERE 6600 BANKRUPTCIES FILED, A TWO PERCENT INCREASE OVER 2003. AND AGAIN COMPARING TO THE PRIOR YEAR CHANGE OF 24 PERCENT THE ROATH GRATE HAS SLOWED AND AGAIN THE BANKRUPTCIES ARE IN LINE WITH DALLAS, FORT WORTH AND SAN ANTONIO AS WELL. FOR THESE CHART WE'VE SHOWN THEM GOING BACK TO 2001 ON A QUARTERLY BASIS TO SHOW YOU HOW THE GROWTH RATE WAS ACCELERATED IN 2001 AND 2002, BUT THEN HAS SLOWED IN 2004. AND NOW WE GO ON TO SOME CITY SPECIFIC DATA, STARTING WITH THE SALES TAX REVENUE. SALES TAX REPRESENTS 20% OF THE GENERAL FUND RESOURCES. IN LOOKING BACK IN 2004 WE BROUGHT IN \$117 MILLION, AND THIS WAS A 6.7% GROWTH RATE OVER 2003. NOW 2005, JUST YESTERDAY WE RECEIVED OUR FEBRUARY PAYMENT. IT CAME IN AT \$13.1 MILLION, AND THAT WAS A 6.4% GROWTH OVER THE SAME POINT LAST YEAR. YEAR TO DATE --

HOLD YOUR APPLAUSE, PLEASE. [LAUGHTER]

> YEAR TO DATE WE'VE HAD THREE PAYMENTS AND WE'RE EXACTLY ON BUDGET. HATS OFF TO RUDY AND VICKY AND JOHN FOR NAILING THAT ONE ON THE HEAD SO FAR. AND YOU CAN SEE THAT SPIKE IN FEBRUARY THERE ON THE NEXT CHART, THE FEBRUARY PAYMENT THAT WE JUST RECEIVED. ALSO ANOTHER FISCAL YEAR INDICATOR THAT WE LOOK AT ARE THE BED TAX AND CAR RENTAL TAX. FOR 2004 THE BED TAX STAYED FLAT IN 2003. AND THE PROOF FOR 2005 IS 25.8 MILLION OR THREE PERCENT GROWTH, ALTHOUGH THE FIRST QUARTER IS IN AT \$6.8 MILLION, AND IT'S 11 PERCENT INCREASE OVER WHAT WE SAW YEAR IN THE FIRST QUARTER. AND THE SAME THING WITH CAR RENTAL TAX, IT WAS FLAT IN 2003 TO 2004, BUT THE FIRST QUARTER NUMBERS INDICATE A 13.5% INCREASE OVER WHERE WE WERE THE LAST YEAR. AND HERE ARE OUR CHARTS ON BOTH THE BED TAX AND THE CAR RENTAL TAX. AND FINALLY MOVING ON TO PASSENGERS ACTIVITY AT

ABIA. PASSENGER TRENDS INCREASED 7.5% FROM 2003 TO 2004. 7.18 MILLION PASSENGERS. THE PROJECTIONS FOR '05 ARE SEVEN MILLION PASSENGERS, ALTHOUGH THAT WAS BASED OFF THE ESTIMATE AND THE '04 ACTUALLY EXCEEDED THE ESTIMATE. YEAR TO DATE WE ARE UP 8.3% OVER FISCAL YEAR 2004. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

JUST TO SUMMARIZE, THINGS ARE LOOKING BETTER, CONSUMER CONFIDENCE INCREASING, EMPLOYMENT SITUATION STABILIZED AFTER SOME INSTEADINESS AFTER THE LAST SEVERAL YEARS. LOCALLY WE SAW JOB CREATION IN 2004, 6100 JOBS ADDED, CLOSURE IN BANKRUPTCY GROWTH RATES HAVE SLOWED OFF THEIR PEAK LEVELS, THE CAR RENTAL TAX AND MOTEL ARE UP A LITTLE OVER LAST YEAR. IMPORTANTLY, THE SALES TAX, 2005 YEAR TO DATE WE ARE AT BUDGET. SEEMS THAT WE -- PROGRESS KNOWS IS WORKING, WE ARE LOOKING -- PROGNOSIS IS WORKING, WE ARE LOOKING TO ACHIEVE A MODERATE GROWTH. THAT CONCLUDES THE PRESENTATION ON THE ECONOMIC UPDATE. IF YOU HAVE ANY QUESTIONS?

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: I'M ASSUMING THIS WAS COMPLETED BEFORE THE LAST COUPLE OF DAYS, SO I -- MAYBE SOME OF WHAT I'M ASKING IS NOT FACTORED INTO THIS. BUT CAN -- DO YOU HAVE ANY IDEA WHAT KIND OF ECONOMIC IMPACT IT WOULD HAVE IF SOME OF THE BUDGET CUTS THAT ARE PROPOSED IN THE PRESIDENT'S BUDGET WENT INTO EFFECT? FOR INSTANCE, IF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS COMING TO US WERE COMING TO THE CITIES AND THIS CITY IN PARTICULAR WERE CUT BY HALF, WHAT THAT WOULD DO TO THE ECONOMY?

COUNCILMEMBER, I SAW THOSE NEW REPORTS AS WELL. BEING SO FRESH, WE HAVE NOT -- IN THE BUDGET OFFICE, WE HAVE NOT HAD TIME TO LOOK AT THAT. WE CAN CERTAINLY WORK WITH -- WITH PAUL HILGERS AT NEIGHBORHOOD HOUSING TO LOOK AT THAT, SEE WHAT THE IMPACT COULD BE. I'M SURE HE'S AWARE OF IT AND CERTAINLY WORKING TOWARDS IT.

Slusher: HOW DOES THE NATIONAL DEBT WORK INTO THIS?

THE NATIONAL DEBT, I GUESS AN ECONOMIST WOULD TELL YOU THE NATIONAL DEBT, THE BIGGER IT IS, IT BECOMES A DRAIN OR A DRAG ON THE OVERALL ECONOMY. BUT IT'S -- JUST DEPENDS ON HOW IT'S HANDLED IN TERMS OF HOW THEY ARE FINANCING THAT. AND HOW IT AFFECTS US LOCALLY, IT IS -- IT IS -- I HAVEN'T SEEN ANY -- I HAVEN'T SEEN ANY WRITINGS ABOUT THAT TO DESCRIBE HOW THE DEBT AT THE NATIONAL LEVEL IS IMPACTING US, BUT WE COULD LOOK INTO THAT.

PROBABLY MORE IN THE LONG TERM.

EVERYONE LOOKS AT THE DEBT AND OVERALL TAX BURDEN, AT ALL LEVELS, IT IS A LONG-TERM ANALYSIS.

Slusher: OKAY, THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, WE APPRECIATE THE GOOD NEWS.

YEP.

Mayor Wynn: THANK YOU. OKAY, COUNCIL, THAT TAKE US TO OUR OTHER BRIEFING, WHICH IS A PRESENTATION OF THE DEVELOPMENT PROPOSALS FOR BLOCK 21, WE WILL RECOGNIZE MS. SUE EDWARDS.

THANK YOU. MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS, I'M SUE EDWARDS, DIRECTOR OF ECONOMIC GROWTH AND REDEVELOPMENT SERVICES OFFICE. TODAY BEGINS A SERIES OF BRIEFINGS FROM THE DEVELOPMENT TEAMS WHO RESPONDED TO THE BLOCK 21 AND SEAHOLM SOLICITATIONS. THE THREE TEAMS HERE TODAY WILL BE PRESENTING ON BLOCK 21. ON THURSDAY, FEBRUARY THE 17th, YOUR NEXT COUNCIL MEETING, YOU WILL HEAR FROM THE FOUR TEAMS PRESENTING ON THE SEAHOLM PROJECT. THIS PROCESS BEGAN IN AUGUST OF 2004 WHEN THE CITY ISSUED A REQUEST FOR PROPOSAL SOLICITATION FOR THE SALE AND DEVELOPMENT OF BLOCK 21. THE DECISION TO ISSUE THE RFP AND IT'S TIMING WAS BASED ON THE NEED TO CREATE A SUCCESSFUL SECOND

STREET RETAIL DISTRICT. IT IS GENERALLY RECOGNIZED IN THE INDUSTRY THAT TO CREATE SUCH A DISTRICT THE AREA SHOULD CONTAIN A MINIMUM OF 200,000 SQUARE FEET OF CONTIGUOUS RETAIL. WITH THE COMPLETION OF THIS BLOCK 21 PROJECT, THE DISTRICT WILL CONTAIN APPROXIMATELY 189,000 SQUARE FEET OF RETAIL. THE R.F.P. STATES THAT OUR GOAL IS TO HAVE THE SUCCESSFUL RESPONDENT PROPOSE A CREATIVE, HIGH QUALITY MIXED USE DEVELOPMENT. THAT PROVIDES A POSITIVE ECONOMIC AND FINANCIAL IMPACT TO THE CITY, ENHANCES AND DISTRIBUTES TO THE OPPORTUNITY TO AND SECOND STREET DISTRICT, INCLUDES CONSIDERATION OF A CULTURAL ENTITY AND COMPLIMENTS EXISTING NEIGHBORHOOD USES IN THE NEW CITY HALL. THE BLOCK 21 R.F.P. SETS OUT SEVERAL REQUIREMENTS. THE PROJECT DESIGN MUST CONTAIN AT LEAST [INDISCERNIBLE] 42,000 SQUARE FEET OF FLOOR RETAIL, WHICH IS REQUIRED TO FINISH OUT THE DISTRICT. PROHIBIT OFFICE AND SERVICE USES ON THE GROUND FLOOR. LIMIT PARKING AND SERVICE AREA ENTRANCES TO THIRD STREET. INCLUDE 150 ONSITE PARKING SPACES TO ACCOMMODATE THE RETAIL PORTION OF THE PROJECT. PROVIDE A PEDESTRIAN FRIENDLY STREET SCAPE AND BE BUILT IN ACCORDANCE WITH THE CITY'S DOWNTOWN DESIGN GUIDELINES. THE SUCCESSFUL RESPONDENT IS EXPECTED TO PAY ALL DEVELOPMENT FEES EXCEPT IN THE SITUATION WHERE THE PROPOSAL INCLUDES AN IDENTIFIED CULTURAL ENTITY, IN WHICH CASE THE CITY MAY CONSIDER A REQUEST FOR FEE WAIVERS. AS HSM URBAN PARTNERS INCORPORATED HAS BEEN SELECTED AS A RETAIL DEVELOPMENT CONSULTANT FOR THE CITY FOR FIVE OF THE SIX BLOCKS WITHIN THE SECOND STREET AREA, THE SUCCESSFUL RESPONDENT WILL BE REQUIRED TO ENTER INTO AN ARRANGEMENT WITH URBAN PARTNERS SO THAT THEY MAY EITHER ASSIST IN THE DEVELOPMENT DESIGN AND MARKETING OF THE RETAIL SPACE OR BE ABLE TO PURCHASE THE RETAIL SPACE AT A PRICE BASED ON THE ACTUAL COSTS ALLOCATED TO THE RETAIL PORTION OF THE PROJECT. THE SUCCESSFUL RESPONDENT IS REQUIRED TO BEGIN CONSTRUCTION WITHIN 20 MONTHS AFTER EXECUTION OF THE SALES CONTRACT. AND TO -- TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR THE ENTIRE PROJECT WITHIN FOUR

YEARS AFTER EXECUTION OF THE SALES CONTRACT. THE R.F.P. REQUIRES THE RESPONDENTS TO OFFER A MINIMUM OF \$9.2 MILLION FOR THE BLOCK. AS WE BEGIN THE PRESENTATIONS, THE ENDEAVOR REAL ESTATE GROUP WILL PRESENT FIRST, FOLLOWED BY ZYDECO DEVELOPMENT AND THEN STRATUS PROPERTIES. EACH TEAM HAS APPROACHED THIS FROM A DIFFERENT PERSPECTIVE. I THINK THAT YOU WILL ENJOY ALL OF THEM. AT THIS TIME I WOULD LIKE TO INTRODUCE TAYLOR BOWEN WHO WILL BE INTRODUCING THE ENDEAVOR REAL ESTATE GROUP.

WELCOME, MR. BOWEN.

THANK YOU, MAYOR, COUNCIL. WHAT I WOULD LIKE TO DO FIRST IS TO INTRODUCE OUR TEAM, THEN -- INTRODUCE OUR TEAM, THEN I WOULD LIKE TO HAVE BRAD NELSON, OUR ARCHITECT PRESENT OUR DESIGN PROGRAM TO YOU. THEN I WOULD LIKE TO OPEN IT UP FOR QUESTIONS AND ANSWERS. AMLI IS NOW TAKING THE LEAD IN DEVELOPING BLOCK 21, WE HAVE ASSEMBLED A TEAM OF LOCAL AND NATIONAL MIXED USE DEVELOPMENT EXPERTS. WE BELIEVE OUR TEAM CAN -- WE BELIEVE OUR TEAM CAN SUCCESSFULLY CREATE AND EXECUTE THE DEVELOPMENT OF BLOCK 21, SUCH AS THE ENTIRE SECOND STREET DISTRICT VISION THAT WE HAVE BEEN WORKING ON FOR THE LAST FIVE YEARS WILL BECOME A REALITY AND A PLACE THE CITY WILL BE PROUD OF. FIRST, LET ME EXPLAIN AMLI'S ROLE FURTHER TO YOU, BECAUSE AMLI WILL BE THE PRIMARY EQUITY FINANCING PARTNER FOR THIS DEVELOPMENT. AMLI IS A PUBLICLY TRADED NEW YORK STOCK EXCHANGE REAL ESTATE INVESTMENT TRUST. WITH A MARKET CAP OF OVER A BILLION DOLLARS. AMLI OWNS AND MANAGES CLOSE TO 30,000 UNITS ACROSS THE UNITED STATES AND WE HAVE OVER 3,000 UNITS IN AUSTIN. WE ALSO HAVE A -- WE ALSO HAVE A CONTROLLING INTEREST IN THE BLOCK 22 DEVELOPMENT, VIA A 99 YEAR GROUND LEASE AND WE ARE ALSO PLEASED TO LET YOU KNOW WE ARE GOING TO BE STABILIZING THE LEASE UP OF OUR BLOCK 20 DEVELOPMENT THIS YEAR. FINALLY, OR ADDITIONALLY, WE ARE ALSO IN A PARTNERSHIP WITH THE CITY OF AUSTIN RIGHT NOW TO -- TO REDEVELOP LEASE AND TENANT THE RETAIL SPACE IN THE CSC BUILDINGS ALONG SECOND STREET. ALL TOLD, ONCE WE COMPLETE OUR BLOCK 22

DEVELOPMENT, AMLI WILL HAVE OVER \$100 MILLION INVESTED IN THIS SECOND STREET DISTRICT. SO IT IS OBVIOUS TO US AND IT IS OF OUR GREAT INTEREST TO SEE THE BLOCK 21 BE DEVELOPED TO ITS FULLEST POTENTIAL. AS SUE STATED, ENDEAVOR IS GOING TO BE A PRIMARY MEMBER OF OUR TEAM, FOCUSED ON THE RETAIL DEVELOPMENT. ENDEAVOR IS A LOCAL LEADER IN AUSTIN IN RETAIL DEVELOPMENT. THEY CURRENTLY HAVE 1.3 MILLION SQUARE FEET OF RETAIL SPACE UNDER OWNERSHIP AND MANAGEMENT. AND ENDEAVOR WILL BRING THE RETAIL DEVELOPMENT EXPERTISE TO OUR TEAM SUCH THAT WE CAN CREATE AND EXECUTE THE AMOUNT OF PEDESTRIAN ORIENTED GROUND FLOOR RETAIL AND ADDITIONAL RETAIL SPACE THAT WE ARE GOING TO SHOW YOU IN A MINUTE. OUR OTHER TEAM MEMBER, IS WOODBINE DEVELOPMENT, A DALLAS BASED DEVELOPER WITH A NATIONAL REACH, MOST NOTABLY IS THE HYATT HILL COUNTRY IN SAN ANTONIO AND ADDITIONALLY WOODBINE HAS BEEN INVOLVED IN A PRIOR PUBLIC/PRIVATE REDEVELOPMENT WITH THE UNION STATION IN DALLAS. WE LOOKED TO WOODBINE TO BE THE RESIDENTIAL PARTNER ON THIS TEAM. THEY HAVE MOST RECENTLY COMPLETED AND OPENED A MIXED USE DEVELOPMENT CALLED KIRKLAND COMMONS IN PHOENIX, WHICH HAS BEEN VERY SUCCESSFUL. IT CONTAINS ROUGHLY 350,000 SQUARE FEET OF PEDESTRIAN ORIENTED RETAIL AND APPROXIMATELY 300,000 SQUARE FEET OF FOR SALE CONDOMINIUM HOUSING, WHICH IS SIMILAR IN SCOPE TO WHAT WE ARE GOING TO SHOW YOU OF BLOCK 21. OUR OTHER PARTNER ON ON OUR TEAM IS URBAN PARTNERS, ROBERT BAGWELL. THE DEVELOPER OF THE SUCCESSFUL WEST END DEVELOPMENT IN DALLAS. ROBERT, AND OUR RELATIONSHIP, HAS BEEN INSTRUMENTAL TO GET US AS FAR AS WE HAVE GOTTEN ON THIS CSC LEASING TO DATE AND REALLY ROBERT WAS THE ONE RESPONSIBLE FOR CREATING THE PROTOTYPE FOR THE DESIGN THAT YOU SEE RIGHT NOW IN THE CSC BUILDINGS, WHICH IS REALLY FOCUSING ON CREATING A HIGH TENANT COUNT AND HAVING SMALLER RETAIL SPACES THAT ARE MORE ACCESSIBLE AND AFFORDABLE TO LOCAL TENANTS. BRANDT NELSEN WHO REPRESENTS NELSEN ARCHITECTS IS A LOCAL BASED FIRM WITH A NATIONAL RETAIL FOLLOWING AND HAS ALSO HAD -- HAD GREAT SUCCESS WITH SEVERAL MIXED

USE DEVELOPMENTS. AND CURRENTLY WORKING WITH WOODBINE ON KIRKLAND COMMONS ON SEVERAL DIFFERENT PROJECTS. ALL TOTAL BRANDT HAS DESIGNED 6 MILLION SQUARE FEET OF MIXED USE DEVELOPMENTS WITH A PEDESTRIAN ORIENTED THEME. BLOCK 21, HERE ARE THE PROJECT HIGHLIGHTS. FIRST OF ALL, I WANT TO LET THE COUNCIL KNOW THAT WE HAVE COMPLIED NOT ONLY WITH THE PURCHASE PRICE AND THE GOALS SET FORTH IN THE R.F.P., BUT THAT OUR PROGRAM MEETS ALL OF THE REQUIREMENTS OF THE R.F.P. WE HAVE 42,000 SQUARE FEET OF GROUND FLOOR RETAIL, RESTAURANT AND ENTERTAINMENT SPACE. WE ALSO HAVE A DESIGN FOR 50,000 SQUARE FOOT FOR CULTURAL INITIATIVE. AND 400,000 SQUARE FEET DESIGNED FOR RESIDENTIAL HOUSING. AND IT'S OUR STRONG BELIEF THAT THIS RESIDENTIAL HOUSING SHOULD BE FOR SALE. AMLI'S TWO PROJECTS ARE HIGH-END RENTALS. WE FEEL ADDING A FOR-SALE COMMENT ON IN THE DISTRICT IS GOING TO BE CRITICAL TO ITS FUTURE SUCCESS. WE ALSO ANTICIPATE OFFERING A WIDE RANGE OF UNIT SIZES SO THAT WE CAN BE MORE AFFORDABLE FOR A DIFFERENT GROUP OF -- OR A DIFFERENT USE IN THE DISTRICT. IN THOSE -- THOSE UNITS WOULD RANGE ANYWHERE FROM MAYBE 700 SQUARE FEET ALL THE WAY OVER TO 2,000 SQUARE FEET. AND AS BRAD IS GOING TO TELL YOU THAT THE -- THAT THE ARCHITECTURAL CHARACTER REALLY DOES REFLECT THE IMAGE AND CULTURE OF AUSTIN. WHAT I WOULD LIKE TO DO NOW IS HAVE BRAD TAKE YOU THROUGH OUR DESIGN PROGRAM AND THEN IF YOU HAVE ANY QUESTIONS AFTERWARDS --

THANK YOU, TAYLOR, MAYOR, MAYOR PRO TEM, MEMBERS OF THE COUNCIL. FOR THE RECORD, I'M BRAD ELSENSEN, WE ARE BASED HERE IN AUSTIN AT 905 CONGRESS. IT'S A PLEASURE FOR ME TO BE HERE TODAY AND MAKE THIS PRESENTATION. AS TAYLOR SAID WE ARE WORKING ON A LOT OF PROJECTS AROUND THE COUNTRY. USUALLY MAKING THESE PRESENTATIONS IN OTHER CITIES, IT'S GUYS TO DO THIS AT HOME FOR ONCE. IT'S ALSO A -- A GREAT PLEASURE TO BE PART OF THIS TEAM. IT'S -- AS TAYLOR OUTLINED, WITH EVERYBODY -- THERE'S A TREMENDOUS AMOUNT OF EXPERIENCE HERE AND -- IN DELIVERING HIGH QUALITY, HIGH DENSITY, URBAN RETAIL PROJECTS. THE --

THE RELATIONSHIPS THAT -- FOR US, WE HAVE KNOWN ROBERT BAGWELL AND HIS PARTNERS FOR ALMOST 20 YEARS, SINCE I STARTED BACK IN DALLAS, BACK IN THE EARLY 80s. ENDEAVOR, WE ARE WORKING WITH A NUMBER OF PROJECTS WITH THEM THROUGHOUT THE CITY. AND WOODBE, WE HAVE -- WOODBINE WELL OVER A MILLION SQUARE FEET OF THIS TYPE OF PRODUCT UNDERWAY IN THE PHOENIX MARKET THAT COMPRISES RETAIL, RESIDENT, OFFICE, HOTEL USES IN A MIXED USE, URBAN, RETAIL FORMAT. AS TAYLOR MENTIONED, WE ARE WORKING LITERALLY COAST TO COAST ON LARGE PROJECTS LIKE THIS. THAT ARE RETAIL BASED AND HAVE A MIX OF USES ABOVE. AND WHAT I WANT TO TALK ABOUT A LITTLE BIT IS THE SUCCESS OF THOSE KIND OF PROJECTS AND SOME OF THE CRITICAL ELEMENTS TO THOSE THAT -- THAT DO MAKE THEM SUCCESSFUL. THE URBAN RETAIL -- SOME OF THE THINGS THAT I WANTED TO SHOW YOU ARE SOME IMAGES AND IDEAS THAT SUPPORT THE CONCEPT THAT WE ARE BRINGING FORWARD HERE. BUT THE -- BUT THE CRITICAL THINGS AND -- AS SUE MENTIONED EARLIER, PROBABLY FIRST AND FOREMOST IS THE CRITICAL MASS. THAT -- THAT PROJECTS OF THIS TYPE NEED TO HAVE AT LEAST THAT 200 TO 220,000 FEET OF RETAIL BE RESTAURANT, ENTERTAINMENT USES. MOST SUCCESSFUL OF THESE THAT YOU SEE AROUND THE COUNTRY HAVE A WIDE VARIETY OF USES STACKED ON TOP OF THOSE. MOST NOTABLY, RESIDENTIAL, OFFICE, OTHER USES THAT REALLY CREATE THAT SORT OF 24 HOUR A DAY VITALITY AND ENERGY THAT CAN HAPPEN IN THESE PROJECTS. SECONDLY THESE PROJECTS TYPICALLY HAVE A VERY WELL DEFINED IDENTITY. A CENTER TO THE PROJECT, A FOCAL POINT. AND AN AREA THAT IS A GATHERING PLACE. AND IT'S TYPICALLY WHERE YOUR BEST RETAILERS, THE BEST RESTAURANTS, THE HIGHEST ENERGY THAT -- THAT CAN OCCUR IS GOING TO HAPPEN AT THE CENTER OF THE PRONG. FINALLY THE KEY TO THESE IS IT HAS TO GO GREAT RETAIL. IT CAN'T BE BROKEN UP. A LOT OF THE THINGS THAT ROBERT AND TAYLOR HAVE DONE WITH BLOCK 20 AND 22 AND THINGS THEY ARE WORKING THERE WITH THE CSC BUILDINGS, REALLY BUILD ON CREATING THAT GREAT RETAIL STREET. BUT BLOCK 21, IN OUR OPINION IS REALLY THE KEY TO ALL OF THIS. IT REPRESENTS THE CENTER. IT SHOULD BE THE

PRIME FOCUS OF THE DISTRICT AND IT -- IT DONE SUCCESSFULLY WILL REALLY BE THE CATH TALL LIST TO -- CATALYST TO HOLDING THE WHOLE DISTRICT TOGETHER. AS WE LOOKED AT THE -- AT THE SITE AND AT THE DESIGN OF THE PROJECT, AS YOU HAVE SEEN THE RENDERING HERE, THE -- THIS CENTER PIECE IS REALLY ALL ABOUT BLOCK 21 AND THE PUBLIC SPACES IT COULD OFFER. IN THE DESIGN, AS YOU CAN SEE IN THE PLAN, WE HAVE MADE A -- A VERY STRONG EFFORT TO -- TO CREATE VERY DEEP, USABLE, FLEXIBLE RETAIL SPACE AT THE GROUND FLOOR FRONTING SECOND STREET. THE SPACE IS CONTIGUOUS, WRAPS ALL THE WAY AROUND ALL FOUR SIDES OF THE PROPERTY. AND AT -- AT THE SECOND STREET PLAZA, WE HAVE INTRODUCED A -- AN EXTENSION OF THE -- OF THE SECOND STREET, STREET SCAPE, WHICH AS YOU LOOK AT THE PLAN FROM EAST TO WEST, BREAKS JUST SLIGHTLY AND IS -- IS CONCAVE TO OPEN UP AND SORT OF -- SORT OF GIVE A GESTURE TO THE CITY HALL, CREATING A LARGER PUBLIC SPACE THERE FOR SPECIAL EVENTS AND FESTIVITIES. WE THINK IT'S IMPORTANT BECAUSE IT DOES SIGNIFY THAT THERE'S SOMETHING SPECIAL HERE AT THE CENTER OF THE PROJECT. HAVING SAID THAT, AND THE -- THE ABILITY TO -- TO CLOSE THIS SECTION OF SECOND STREET FOR SPECIAL EVENTS IS IMPORTANT. BUT PROBABLY MORE IMPORTANT THAN THAT IS THAT THIS BUILDING FUNCTIONS EVERY OTHER DAY OF THE YEAR AS GREAT RETAIL, RESTAURANT AND ENTERTAINMENT SPACES. AS WE -- SUE MENTIONED THE -- THE TOTAL HERE IS AROUND 180,000 SQUARE FEET WHEN THIS PROJECT IS FINISHED. IN ADDITION TO THAT, IS THE -- THE CULTURAL VENUE OR ENTERTAINMENT VENUES THAT CAN HAPPEN ON THE SECOND AND THIRD FLOORS THAT REALLY PUSHES US OVER 200,000 SQUARE FEET. IT BECOMES A VERY CRITICAL ELEMENT TO KEEP THE -- THE DENSITY AND THE ACTIVITY THERE ON THE SITE. AS WE LOOK AT THE BUILDING, THIS ENLARGED [INDISCERNIBLE] IS THE SECOND STREET FACADE, TO BE DIRECTLY OPPOSITE THE CITY HALL. YOU CAN SEE THAT WE HAVE GOT THE RETAIL AT THE GROUND FLOOR, VERY HIGH CEILINGS, 20-FOOT STRUCTURED HEIGHTS IN THERE. AT THE SECOND AND THIRD FLOORS, YOU CAN SEE THE LOCATION OF THE TEXAS MUSIC HALL OF FAME. WHEN WE PREPARED THE R.F.P. INITIALLY, WE HAD MADE ACCOMMODATION FOR TWO

OUT OF THE THREE CULTURAL ENTITIES THAT HAD BEEN DISCUSSED. YOU WILL SEE IN THE PLANS AS WE GO THROUGH THOSE THAT THERE'S ALLOCATION FOR -- FOR MUSIC HALL OF FAME, FOR AUSTIN CITY LIMITS OR THE CHILDREN'S MUSEUM AND WE FEEL VERY STRONGLY THAT THOSE -- THOSE KIND OF ELEMENTS BECOME IMPORTANT IN REALLY CREATING THE FABRIC OF THIS -- THIS URBAN RETAIL EXPERIENCE. AS WE STEP BACK IN THE -- THE TOWER RISES ABOVE THAT PODIUM LEVEL, THE FIRST THREE FLOORS, THEY ARE VERY LARGE FLOORS, WITH THE HALL OF FAME, OTHER USES THERE AT THE SECOND AND THIRD, BUT THAT PODIUM AS YOU SO HE ACROSS THE BOTTOM ESSENTIALLY MATCHES UP WITH THE C.S.C. BUILDINGS, CITY HALL HEIGHT AND THE AMLI BUILDINGS, REALLY CREATES AN URBAN FABRIC DOWN AT THE PEDESTRIAN LEVEL. ABOVE THAT WE HAVE 25 FLOORS OF RESIDENTIAL USES. IT BEEN DESIGNED IN A MANNER THAT CAN ACCOMMODATE ROUGHLY 200 UNITS. WE WILL GET INTO FINAL DESIGN AND SIZES OF THOSE UNITS AS WE GO, BUT IT'S ABOUT 400,000 SQUARE FEET. SO WHAT THIS PROPOSAL DOES IS IT PUSHES THE FULL DENSITY THAT'S ALLOWED ON THE SITE FROM FAR AROUND 600,000 SQUARE FEET OF DEVELOPMENT. THIS IS REALLY INTENDED TO BE A 24 HOUR DEAL. WE SEE AS THIS BUILDING MOVES INTO THE NIGHT NIGHTTIME, LIGHTING AND ENERGY TRANSFERS FROM THE STREETS ALL THE WAY UP THROUGH THE RESIDENTIAL. IT'S VERY IMPORTANT AS THIS BUILDING IS VIEWED ON THE SKYLINE. I WILL TAKE YOU QUICKLY THROUGH THESE FLOOR PLANS, WE CAN COME BACK TO THESE IF YOU HAVE FURTHER QUESTIONS. AGAIN A BLOW UP OF THE GROUND FLOOR WITH THE RETAIL FACING SECOND STREET. VERY LARGE AND CONTROLLED SERVICE AREA WITHIN THE BUILDING, WHICH AGAIN VERY IMPORTANT WITH -- SPECIALLY THE MIX OF USES, EXHIBIT SPACE AND THINGS THAT MAY NEED TO BE SET UP ON THE SECOND AND THIRD FLOORS, RESIDENTIAL USES AND SERVICING THAT NEED TO HAPPEN ON A DAILY BASIS. AS WE MOVE UP TO THE SECOND FLOOR, AGAIN THIS IS OUR ORIGINAL PROPOSAL WITH THE TEXAS MUSIC HALL OF FAME FACING ON SECOND STREET. EITHER AUSTIN CITY LIMITS OR THE CHILDREN'S MUSEUM IN SPACE ALLOCATED ON THE THIRD STREET FRONTAGE. THE THIRD FLOOR THEN STEPS BACK

JUST SLIGHTLY TO ACCOMMODATE THE PROGRAM REQUIREMENTS OF ROUGHLY 50,000 SQUARE FEET FOR THE HALL OF FAME AND THE LARGER SPACE FOR ACL IN THIS PROGRAM. AS WE MOVE UP ABOVE THAT INTO THE TOWER, WE START TO SEE THE RESIDENTIAL FLOORS, ABOUT THE 18th FLOOR HAS A POOL TERRACE WHERE THE BUILDING STEPS BACK FROM THE WEST AND CONTINUES UP TO BE -- TO BE A VERY SCULPTURAL ICON ON THE SKYLINE AT THE TOCHT -- AT THE TOP OF THE BUILDING. WE HAD PARKING PROVIDED IN THREE LEVELS BELOW GRADE, ROUGHLY 500 CARS, A LITTLE OVER 500 CARS, THAT WOULD ACCOMMODATE THE REQUIREMENTS LAID OUT IN THE R.F.P. YOU CAN SEE THE CROSS-SECTION HOW THAT -- THAT SETS UP. THIS IS CUT LOOKING TO THE NORTH WITH THE RETAIL AT THE GROUND FLOOR, THE HALL OF FAME PARKING PARKING LOW. SINCE THE TIME OF THE SUBMITTAL, I THINK WE ALL KNOW THERE'S BEEN A LOT OF MOVEMENT WITH THE CULTURAL ENTITIES, WE HAVE BEEN ASKED TO TAKE A LOOK AT WHAT WOULD HAPPEN IF THERE WAS NOT A CULTURAL ENTITY AVAILABLE FOR THIS PROJECT. SO WITHOUT CHANGING THE DESIGN, BECAUSE WE THINK THERE'S A LOT OF POSITIVE ASPECT TO HOW THE BUILDINGS COMES TO THE STREET, WE LOOKED AT THE ALTERNATIVES TO THE USES, WHICH IS REPRESENTED IN THIS CROSS-SECTION. THIS IS -- THIS IS CUT THE OTHER DIRECTION WITH THE -- WITH THE CITY HALL WOULD BE TO YOUR RIGHT. SECOND STREET. WHAT WE HAVE LOOKED AT WITH THE SAME -- THE SAME HEIGHT CONSIDERATIONS IS THAT WE HAVE MAINTAINED ALL OF THE SAME RETAIL AT THE GROUND FLOOR, WE HAVE INTRODUCED A -- POSSIBLY A MOVIE THEATER FOR OTHER ENTERTAINMENT VENUES THAT WOULD HAPPEN AT THE SECOND AND THIRD FLOORS, AND MOVING SOME OF THE PARKING FROM BELOW GRADE IN A CONFIGURATION VERY SIMILAR TO WHAT IS DONE AT THE C.S.C. BUILDINGS AND FULLY ENCLOSED IN THE BUILDING ENVELOPE. SO WITHIN THE NEW OR -- NOT THE NEW, BUT THE ALTERNATIVE PROPOSAL I GUESS, WOULD BE THE SAME BASIC DIAGRAMS THAT WOULD STACK UP IN THIS CASE WITH THE LEVEL OF PARKING ABOVE GRADE THAT WOULD SATISFY THE RETAIL USES, THEN THE THEATER WOULD HAVE -- WOULD HAPPEN AT THE THIRD LEVEL. AGAIN WITH THE SAME FAST SAT TREATMENTS -- FACADE

TREATMENTS THAT WERE IN THE ORIGINAL PROPOSAL. THE MATERIALS, AS TAYLOR SAID THE REFLECTION OF WHAT WE FEEL IS A GREAT COMPLIMENT TO SORT OF THE SPIRIT OF AUSTIN, WE HAVE USED SOME OF THE SAME WEATHERED LIMESTONE THAT'S BEEN DONE SUCCESSFULLY HERE AT THE CITY HALL AND C.S.C. BUILDINGS, THEN INCORPORATED A VERY SOPHISTICATED, HIGH-TECH IF YOU WILL CURTAIN WALLS THAT STARTS TO ENCAPSULATE THE OTHER ENTERTAINMENT USES WOULD BE AT THE SECOND AND THIRD FLOORS, OFFERING A GLIMPSE IN TO SEE THE -- GLIMPSE IN TO SEE THE ENERGY AND ACTIVITY THAT'S HAPPENING INSIDE. WHAT I WOULD LIKE TO DO NOW IS TAKE YOU THROUGH SORT OF A THREE DIMENSIONAL FLYOVER AT THE SITE TO SEE HOW THE PROJECT REALLY FITS INTO THE SKYLINE AND INTO THE FABRIC OF DOWNTOWN.

IT STARTS TO BECOME CLEAR FROM THESE VIEWS HOW THE -- HOW THE BASE OF THE BUILDING, THE PODIUM RELATES TO AND SORT OF HOLDS THAT STREET EDGE OF THE FABRIC, ITS SCALE AND CHARACTER WITH THE ADJACENT BUILDINGS. IT STEPS BACK AND THE PLAZA THAT YOU CAN SEE, JUST GENTLY CURVED, OPENING UP FROM THE CITY HALL, WITH THE -- WITH THE RETAIL SPACE SPILLING RIGHT OUT ON TO THE STREET AND OPENING BACK TO THE -- TO THE PLAZA SPACE. THE MATERIALS THAT WE'RE THINKING IS ON THE REST OF THE TOWER, WE CAN PROBABLY BE PRECAST CONCRETE, SOME METAL PANELS, AGAIN THE GLASS ELEMENTS THAT AS YOU MOVE UP THE TOWER BECOMES A HIGHER PERCENTAGE OF GLASS WHICH WE THINK IS A NICE EFFECT IF YOU WILL THAT WILL GLOW AND BECOME AN ICON TO THIS DISTRICT AND REALLY BE A -- A PLACE MARK ON THE SKY LINE THAT INDICATES WHERE THIS [INDISCERNIBLE] IS. THIS -- IS THIS VIDEO WILL TURN AND COME BACK IN AND MOVE BACK DOWN TO THE STREET LEVEL. AND SHOW THE SCALE AND CHARACTER AT THAT -- AT THAT VANTAGE POINT AS WELL. I THINK. THERE WE GO MUCH AGAIN, THE PROJECT -- THERE WE GO. AGAIN THE PROJECT INCLUDES AS WAS REQUESTED A LITTLE OVER 42,000 SQUARE FEET ON THE GROUND FLOOR, RETAIL, RESTAURANT USES. WE -- WE HAD BETWEEN -- ROUGHLY 50,000 SQUARE FEET FOR THE TEXAS MUSIC HALL OF FAME, SECOND AND THIRD, AND IF THAT WERE -- SWAPPED OUT WE

WOULD CERTAINLY LOOK FOR OTHER ENTERTAINMENT USES, MOVIE THEATERS, ART THEATERS, SOMETHING OF THAT NATURE THAT WOULD OCCUPY THAT SPACE BECAUSE WE DO FEEL THAT'S A VERY CRITICAL COMPONENT TO CREATING AGAIN THIS ACTIVITY AND ENERGY LEVEL FOR THE SECOND STREET DISTRICT. WE SHOULD HAVE HAD MUSIC WITH THIS. IT'S OBVIOUSLY COMING FROM THE WEST SIDE AND DOWN SECOND STREET. THE -- THE -- THE NOTION OF OPENING UP THE BUILDING FACADE TO CREATE A LITTLE GRANDER PLAZA AT THIS ELEMENT IS -- IS PROBABLY A LITTLE BIT IN CONFLICT WITH ROMA'S DESIGN CONCEPTS OF KEEPING A CONTINUOUS STREET EDGE THROUGH THE DISTRICT, WHICH IS PART OF THE REASON WHY IT IS SOMEWHAT OF A SUBTLE MOVE THERE. WE FEEL THAT THEY SET GREAT PARAMETERS, DESIGN PRINCIPLES HERE THAT CAN BE BUILT ON. AT THE SAME TIME WE THINK THAT THIS BREAK, ESPECIALLY WHEN SECOND STREET, THIS ZONE IS BLOCKED OFF FOR EVENTS, THAT IT BECOMES A TREMENDOUS PUBLIC USE PLAZA THAT -- THAT CAN ACCOMMODATE LITERALLY THOUSANDS OF PEOPLE. AND WITH THIS, I THINK WE ARE ABOUT DONE. I CAN OPEN IT UP FOR ANY QUESTIONS AND COMMENTS THAT YOU MAY HAVE.

THANK YOU, MR. NELSEN. MS. EDWARDS, DO YOU HAVE A STRATEGY AS TO THE TIME ALLOCATED PER TEAM, WAS IT YOUR PERCEPTION THAT WE SHOULD -- COUNCIL, YOUR -- YOUR CONCURRENCE, WE SHOULD PERHAPS WAIT UNTIL THE END OF EACH PRESENTATION OR WAIT UNTIL ALL THREE ARE DONE OR HOW WOULD LIKE TO --

THAT'S REALLY, MAYOR, UP TO YOU. AS WE INDICATED EARLIER, WE GAVE EACH ONE OF THE PRESENTERS 30 MINUTES AND IT'S YOUR PLEASURE, WHETHER YOU WANT TO STOP NOW AND ASK QUESTIONS OR YOU WANT TO WAIT UNTIL THE END.

Mayor Wnn: OKAY. THANK YOU, EASY EDWARDS. COUNCIL, QUESTIONS, COMMENTS, SUGGESTIONS?

Goodman: FOR MYSELF, I WOULD RATHER HEAR ALL THREE.

Mayor Wynn: THAT'S MY INSTINCT AS WELL, ACTUALLY. WITHOUT OBJECTION, COUNCIL, WE WILL HOLD QUESTIONS

AND COMMENTS UNTIL WE SEE ALL THREE? THANK YOU ALL VERY MUCH, MR. MILLER AND MR. NELSEN.

THANK YOU.

I'M HOWARD YANCY, THE PRESIDENT OF ZYDECO DEVELOPMENT, OUR FIRM TOGETHER WITH [INDISCERNIBLE] WILL BE THE DEVELOPER OF THIS PROJECT. OUR FIRM IS A LOCAL FIRM, OUR PRIMARY CLAIM TO FAME IS THE MEDICENTER, WHICH IS THE 200-ACRE MIXED USE DEVELOPMENT WE DEVELOPED NEXT TO THE AUSTIN AIRPORT, CONTAINS OVER A MILLION AND A HALF SQUARE FEET OF SPACE, SIX HOTELS, SEVERAL RESTAURANTS, YOUR CLASSIC MIXED USE PROJECT. TISHMAN HOTEL CANNOT BE HERE TODAY BECAUSE OF A CONFLICT. THE PRIMARY PRESCRIPTION PAL WITH THAT COMPANY IS DAVID ROTHENBERG, HE HAS WRITTEN EACH OF YOU LETTER CONTAINED IN THE PACKAGE, EXPRESSES APOLOGY AT NOT BEING HERE, EXPRESSES THE COMMITMENT TO AND EXCITEMENT FOR THIS PROJECT ON BEHALF OF TISHMAN HOTEL CORPORATION. ALSO INVITES EACH OF YOU TO CALL HIM DIRECTLY IF YOU WISH AND/OR SCHEDULE ANOTHER TIME FOR HIM TO SPEAK TO YOU GUYS ORALLY IN PERSON IN THAT'S IMPORTANT. IF THAT'S IMPORTANT.

Mayor Wynn: I THOUGHT YOU SAID HE WAS GOING TO INVITE ALL OF US TO GO SEE HIS NEW HOTEL IN PUERTO RICO.

I WOULD PROBABLY RATHER BE THERE, TOO. WE WOULD LIKE FOR YOU GUYS TO ESSENTIALLY TAKE FIVE THINGS AWAY FROM OUR PRESENTATION TODAY. ONE, WE THINK THAT THE DESIGN THAT WE PROPOSE WILL CREATE THE GREATEST ECONOMIC AND FINANCIAL IMPACT TO THE CITY OF AUSTIN. SECOND WE BELIEVE THAT OUR DESIGN NOT ONLY ENHANCES AND -- AND CONTRIBUTES TO -- TO DOWNTOWN AND THE SECOND STREET DISTRICT, WE BELIEVE STRONGLY IT'S ABSOLUTELY CRITICAL TO THE SUCCESS OF THE SECOND STREET DISTRICT. THIRD WE BELIEVE THAT THE PROJECT ITSELF COMPLIMENTS THE SURROUNDING RETAIL AND RESIDENTIAL USES AND CITY HALL, PARTICULARLY CITY HALL. FOURTH, WE BELIEVE THAT OUR DESIGN CREATES AN EXCEPTIONAL PLATFORM FOR A CULTURAL INSTITUTION WHICH WE WOULD LIKE TO GET INTO

LATER. WE HAVE A VERY SPECIFIC RECOMMENDATION FOR THAT. WE WILL GIVE YOU THAT LATER. ALSO WE WOULD LIKE TO SHOW YOU THE DEVELOPMENT TEAM THAT WE HAVE ASSEMBLED TO ENSURE THE SUCCESSFUL IMPLEMENTATION OF THIS PROJECT. IN ORDER TO ENSURE THAT -- WE MEET THE GOALS OF THE CITY OF AUSTIN AS WELL AS THE FINANCIAL VIOLATE OF THE PROJECT, IN OUR OPINION IT ALL STARTS AND ENDS WITH DESIGN. THAT SAID WHAT I WOULD LIKE TO DIES STUART OR PRESENTATION FIRST WITH [INDISCERNIBLE] OF ROWE-RIVERA ARCHITECTS, THEY CREATED THE CONCEPTUAL DESIGN, TO BE FOLLOWED BY A MORE IN DEPTH EXPLANATION OF EXACTLY HOW THIS DESIGN ACHIEVES THE GOALS AND OBJECTIVES OF THE CITY AND AS WELL AS OTHER FACTORS. RIGHT NOW I'M TURNING IT OVER TO JUAN.

WELL, MR. MOROE.

THANK YOU, HOWARD, THANK YOU, MAYOR, MEMBERS, CITY COUNCIL MEMBERS.

BEFORE I START DESCRIBING OUR DESIGN, I WANTED TO BRIEFLY TALK ABOUT CITIES BECAUSE I THINK IT'S IMPORTANT TO LOOK AT BLOCK 31 IN THE CONTEXT OF AUSTIN, WHAT'S GOING ON IN AUSTIN NOWADAYS. I WARRANT YOU TO THINK FOR A MOMENT IN -- IN ABOUT -- CITIES THAT YOU LIKE, CITIES THAT ARE THROUGHOUT THE WORLD GRACE PLACES, GREAT PLACES, GREAT CITIES THAT YOU CAN THINK OF. I WANT YOU TO THINK ABOUT WHAT YOU THINK MAKES THOSE PLACES MEMORABLE. THOSE CITIES MEMORABLE. I THINK THAT IF YOU THINK WITHABOUT IT, CITIES CAN BE MEMORABLE FOR MANY REASONS, SOMETIMES SETTINGS, SOMETIMES THE PEOPLE THAT LIVE IN THE CITIES, THEIR LIFESTYLE, CUSTOM, THEIR TRADITIONS. BUT MOST OF THE TIME CITIES ARE MEMORABLE BECAUSE OF THE BUILDINGS AND THE PUBLIC SPACES THAT ARE IN THEM. I WANT YOU JUST TO THINK ABOUT OBVIOUSLY THE USUAL SUSPECT, YOU THINK ABOUT FLORENCE AND PARIS OR BARCELONA IN EUROPE, BUT THERE ARE MANY EXAMPLES ALL OVER THE PLACE, THE WORLD, SAVANNAH, GEORGIA, EVEN HERE IN TEXAS WHERE YOU HAVE PLACES LIKE GEORGETOWN OR THE COURTHOUSE AT THE PUBLIC PLAZA SALTILLOS OF TEXAS.

IF -- PLAZA OF TEXAS, IN GEORGETOWN THAT COURTHOUSE AND PLAZA COMES TO MIND. I THINK IT'S IMPORTANT TO THINK ABOUT THAT IN TERMS OF AUSTIN BECAUSE AUSTIN HAS INDEED A VERY NATURAL AND BEAUTIFUL NATURAL SETTING. IT HAS WONDERFUL PEOPLE. I THINK WE ALL AGREE ON THAT. AND IT HAS ALSO SOME -- SOME WONDERFUL BUILDINGS. IT HAS -- HAS THE UNIVERSITY TOWER IS A BUILDING THAT IS A PERFECT EXAMPLE OF HOW A BUILDING CAN EVOLVE AND REPRESENT A WHOLE INSTITUTION LIKE THE UNIVERSITY OF TEXAS. THE STATE CAPITOL. THE STATE CAPITOL REPRESENTS VERY WELL THE STATE OF TEXAS. AND ALSO WITHIN THE CITY WE HAVE SOME -- SOME GOOD URBAN SPACES LIKE CONGRESS AVENUE OR THE SIXTH STREET DISTRICT. THOSE ARE GOOD, LINEAR URBAN SPACES. BUT YOU THINK ABOUT IT, WHAT WE DON'T HAVE IN AUSTIN IS A PUBLIC, A LARGE URBAN CITY PLAZA. SOMETHING THAT, YOU KNOW, IT COULD BE THOUGHT OF AS -- AS A TRADITIONAL TOWN SQUARE. SOMETHING THAT IS REALLY THE CIVIC CENTER OF THE CITY. ESPECIALLY WE DON'T HAVE A PLAZA THAT IS ATTACHED TO AN INSTITUTIONAL BUILDING. AND THE CIVIC OR CULTURAL BUILDING THAT RELATES TO THAT SPACE. THAT'S IT IS MOST POWERFUL COMBINATION OF MEMORABLE THINGS IN CITIES. WHEN YOU HAVE A PUBLIC SPACE ASSOCIATED WITH IMPORTANT SIGNIFICANT BUILDINGS. AND WE BELIEVE THAT THE CONSTRUCTION OF THIS NEW CITY HALL HAS OPENED THE DOOR FOR A HISTORIC OPPORTUNITY FOR THE CITY OF AUSTIN TO CORRECT THIS. IF YOU THINK ABOUT IT. THERE'S A NEW AUSTIN THAT IS EMERGING AROUND US, LITERALLY, THE SECOND STREET DISTRICT IS A NEW AUSTIN THAT IS GOING TO BE REALLY DEFINING THE CHARACTER OF THE CITY FOR YEARS TO COME. WE THINK THAT WE NEED TO REALLY THINK OF BLOCK 21 AS THE -- THE KEY ELEMENT, THE KEY PIECE THAT COMPLEMENT THIS NEW ENERGY, THIS NEW CITY HALL THAT IS BEING BUILT TO REPRESENT THE CITY, TO MAKE THIS WHAT IT SHOULD BE IN THE LONG TERM, WHAT IDENTIFIES THE CITY AND WHAT PEOPLE CAN RELATE TO WHEN THEY THINK ABOUT THE CITY. NOT THE STATE, NOT THE UNIVERSITY. AND BEFORE -- LET ME SEE. I THINK THAT -- WHAT I'M GOING TO SHOW YOU IN THE DESIGN, I'M GOING TO TRY TO SHOW YOU NOT ONLY HOW WE -- WE FULFILL THE

REQUIREMENTS FROM THE R.F.P., BUT I'M GOING TO ALSO TRY TO SHOW YOU HOW WITH -- WE ARE PROPOSING TO TAKE ADVANTAGE OF WHAT WE CALL THIS HISTORIC OPPORTUNITY. I'M GOING TO DO A -- TO DO -- SHOWING YOU IMAGINES, BUT I'M GOING TO ALSO INVITE YOU TO COME AND SEE THEM ALL. WE BUILD THEM ALL BECAUSE IT IS IMPORTANT TO TRY TO UNDERSTAND THE CONTEXT OF WHERE THIS BUILDING IS GOING TO BE. BLOCK 11 IS A CRITICAL ELEMENT IN THE SECOND STREET DISTRICT IN THE SENSE THAT IT IS AT THE CENTER, IT ANCHORS THAT WHOLE SIX-BLOCK AREA. THERE'S A SENSE OF ALSO OF THE SYMMETRY AROUND THE C.S.C. BUILDINGS, SO SIDE FLANKING THE CITY HALL, THEN BLOCK 21 TO THE NORTH CREATING THAT BALANCE. SO WE FROM THE URBAN DESIGN POINT OF VIEW, WE CANNOT IGNORE WHAT IS AROUND US. THE PRESENCE OF THE CITY HALL IS SOMETHING THAT IS CRITICAL IN OUR SCHEME. THE WAY WE REALLY ORGANIZE OUR SCHEME IS IN VERY -- VERY SIMPLE AND CLEAR ELEMENTS. ONE IS A LARGE PUBLIC PLAZA NOR OF THE CITY HALL. SECOND IS WHAT WE CALL A BASE SBLG. IT'S THAT -- BASE BUILDING, THE BASE BUILDING THAT RELATES TO THE HEIGHT OF THE REST OF THE SECOND STREET DISTRICT. AND THEN THE TWO FLOATING TOWERS. WE CALL THOSE FLOATING TOWERS THAT ARE ABOVE THAT BASE BUILDING THAT CONTAIN A HOTEL, AND A CONDO TOWER. AND I'M GOING TO START DESCRIBING THE PLAZA FIRST. IN THIS FIRST IMAGE I WANTED TO JUST HIGHLIGHT THE SENSE OF BALANCE AND SYMMETRY THAT THIS BLOCK 21 NEEDS TO BRING TO STABILIZE, TO COMPLEMENT, REALLY, THE -- THE SECOND STREET DISTRICT. WHEN YOU LOOK A LITTLE CLOSER, THE PLAZA IS JUST A CONCEPT FOR NOW IN TERMS OF THE ACTUAL DESIGN OF THE SPACE ITSELF. BUT WE THINK THAT IT'S VERY CRITICAL THAT WHATEVER WE DO NORTH OF THE CITY HALL ACKNOWLEDGES THE PREPARES OF THIS BUILDING. THIS IS A BUILDING THAT IS AN OBJECT BUILDING. WHAT WE CALL OBJECT BUILDING IN TERMS OF ARCHITECTURAL TERMS, IT'S A SCULPT RAL BUILDING, IT'S A BUILDING THAT NEEDS BREATHING SPACE, NEEDS THAT SPACE TO THE NORTH THAT WE ARE PROVIDING WITH THIS PLAZA THAT WE ARE CREATING. WE NEED TO BE ABLE TO CELEBRATE, TO LET THIS BUILDING SHINE WITH THIS KIND OF PUBLIC SPACE. SO THIS PLAZA IS NOT ONLY

ACKNOWLEDGING THAT CIVIC CHARACTER THAT THE CITY HALL BRINGS, BUT WE ARE ALSO CREATING A DESTINATION. A MAGNET, AN ANCHOR FOR THE WHOLE SECOND STREET RETAIL AND OTHER USES THAT ARE AROUND. SO WE WANTED TO GET A LAYS THAT PEOPLE CAN GO TO. THAT'S HOW THE PLAZA IS CONCEIVED. AS A PLACE WHERE PEOPLE CAN COME FROM MANY DIFFERENT REASONS, MEET THERE AND THEN GO TO THE DIFFERENT ACTIVITIES THAT ARE GOING TO BE OFFERED AROUND THEM. YOU LOOK IN THE FIRST THAT YOU HAVE THERE IN RED IS RETAIL SPACE PROVIDING ON THE GROUND FLOOR. 32,000 SQUARE FEET OF RETAIL FACING THE PLAZA THAT ALLOW THE CONTINUITY OF THE SECOND STREET AND WITH ITS CONCAVE SHAPE BASICALLY TRIES TO LINK WITH THE CORNERS OF THE TWO BLOCKS ON EITHER SIDE OF BLOCK 21. AND WE IMAGINE A LOT OF ACTIVITIES GOING ON IN THIS SPACE. WE THINK THAT A LOT OF THINGS CAN BE SPILLING OUT OF THOSE TWO RETAIL SPACES, ON EITHER SIDE OF THE ENTRANCE, THE CULTURAL CENTER. GONE IN A SECOND. IT WOULD BE A COMBINATION OF THE KIND OF USES THAT MAKES PUBLIC SPACES SUCCESSFUL. ANYWHERE IN THE WORLD.

WHAT I WOULD LIKE TO SHOW. I WILL SHOW YOU SOME IMAGES FROM THE MALL, AT ANY POINT YOU ARE WELCOME TO COME AND SIT A LITTLE CLOSER, I THINK THERE'S NOTHING BETTER THAN SEEING THIS IN A MODEL. I WANTED TO SHOW YOU HERE A VIEW FROM SECOND STREET MOVING WEST. YOU CAN SEE HOW -- HOW THE STREET WIDENS AND CARVES OUT THIS PLAZA NORTH OF THE CITY HALL, YOU KNOW, LITERALLY CARVING OUT THE BASE BUILDING ON BLOCK 21. THEN THE BUILDING ITSELF, THE CITY HALL BECOMES MORE OF A -- MORE OF AN OBJECT THAT -- THAT BASICALLY REFLECTS THE CHARACTER OF ITS ARCHITECTURE THAT BASICALLY REQUIRE THAT'S KIND OF SPACE AND DISTANCE TO MAKE IT -- MAKE IT VISIBLE. THIS ALSO IS A BIRD SIDE VIEW -- BIRD'S EYE VIEW. YOU CAN SEE THAT THE CON CAVE SHAPE THAT WE ARE PROPOSING IS PLAYING OFF OF THE CON VEX SHAPE THAT THE CITY HALL PROJECTS OUT TO THE NORTH. THAT'S THE NATURAL ENTRANCE FOR THE CITY HALL ANYWAY, THAT'S WHAT WE WANTED TO KNOWLEDGE. THE CITY HALL IS REALLY TERRACED TO LOOK AT NATURE, TALK ABOUT IT VERY HE

WILL ELOQUENTLY, THE NORTH IS THE ONE ASPECT THAT CONNECTS THE BUILDING WITH THE FABRIC OF THE CITY. WE THINK THAT IT'S VERY IMPORTANT TO ACKNOWLEDGE THAT. WE WANTED TO SHOW YOU THIS IMAGE. THIS IS NOT OUR SCHEME, THIS IS THE SCHEME THAT WE THINK WILL BE TERRIBLE IF WE WOULD DO. WE THINK THAT BRINGING THE -- THE BUILDING TO THE PROPER LINE ON THE SOUTH END OF THE STREET IT WOULD BE A TOTAL DISASTER FOR THE CITY HALL. IT WILL NOT ALLOW THE BUILDING TO BREATHE. IT WOULD NOT ACKNOWLEDGE THE IMPORTANCE OF THAT BUILDING AS AN INSTITUTION, A LITTLE SETBACK WILL NOT DO IT. A LITTLE SETBACK FROM THAT LINE WILL DEFINITELY NOT DO IT. WE THINK THAT THIS IS SOMETHING THAT BECAME VERY CLEAR TO US EARLY ON. AS THE BUILDING TOOK SHAPE AND WAS FINISHED, ANYONE CAN GO OUTSIDE THIS BUILDING AND SEE THAT CANTILEVER COMING OUT ALMOST TO THE OTHER SIDE OF THE STREET AND FEEL HOW UNCOMFORTABLE A BIG WALL WILL BE TO COMPLEMENT THAT CITY HALL ON THE OTHER SIDE. SO WE WARRANTED TO JUST HIGHLIGHT THIS BECAUSE WE THINK THAT IT'S -- WE WANTED TO HIGHLIGHT THIS BECAUSE WE THINK THAT IT'S IMPORTANT TO ACKNOWLEDGE THAT WE ARE CLEARLY TAKING THE POSITION THAT IT'S BETTER FOR THIS TO BECOME MORE OF A PLACE, RATHER THAN A CONTINUATION OF THAT SECOND STREET LINEAR SPACE. HERE IN THIS SECOND I THINK THAT YOU CAN SEE A LITTLE BIT WHERE I'M TALKING ABOUT. YOU CAN SEE IN THIS CROSS-SECTION THE CITY HALL ON THE LEFT, ON THE RIGHT YOU SEE THE ENTRANCE TO WHAT WOULD BE THE CULTURAL INSTITUTION. THIS IS SOMETHING THAT IS VERY IMPORTANT TO US. BASICALLY THE SENSE OF THE PUBLIC SPACE IS NOT ONLY CRITICAL FOR THE CITY HALL, BUT ALSO TRYING TO ACKNOWLEDGE THE VERY LEGITIMATE CONCERN THAT ALL CULTURAL INSTITUTION THAT'S WE HAVE TALKED TO HAVE EXPRESSED. IT'S A VERY, VERY REASONABLE CONCERN IS BASICALLY HOW -- HOW COME WE NOT GET LOST IN A 600,000 SQUARE FEET DEVELOPMENT WHEN WE ARE ONLY MAYBE 30, 40, 50,000 AT THE BEGINNING. MAYBE THEY CAN EXPAND BEYOND THAT. WETY THAT'S VERY CRITICAL. WE HAVE ADVOCATED SINCE THE BEGINNING THAT A CULTURAL INSTITUTION NEED TO BE A PART OF BLOCK 21. WE INCLUDE, CELEBRATE EXPRESSIONS BY ALLOWING THAT INSTITUTION

TO ANCHOR THE PLAZA NORTH OF THE CITY HALL. SO THAT CULTURAL INSTITUTION IS CREATING AN ENERGY WITH THE CITY HALL THAT ACTIVATES THAT PUBLIC SPACE, GIVES IT THE SENSE OF IMPORTANCE. THAT TRADITION CANNOT BE LOST IN THIS DEVELOPMENT. IT HAS TO HAVE THE PRESENCE AND RECOGNITION THAT IT DESERVES, THAT'S WHAT CITIES REALLY AT THE END NEED TO DO, TO REFLECT THE CULTURAL INSTITUTIONS THAT THEY ARE IN THEM. SO WHEN YOU SEE THIS -- IN THIS IMAGE IS THAT FROM THE ENTRANCE OF THE CITY HALL TO THE ENTRANCE OF THE CULTURAL INSTITUTION IT WOULD BE 200 FEET OF THIS DISTANCE AND THAT'S THE PLAZA, THAT'S THE SPACE THAT WILL BE BASICALLY A -- AVAILABLE FOR ALL USES, PEOPLE CAN EMERGE FROM THE PARKING RIGHT IN THE PLAZA, THEY CAN GO TO ANY OF THE FUNCTIONS THAT WILL BE AVAILABLE TO THEM -- TO THEM AROUND THE PLAZA. AND THAT WOULD BE THE ENTRANCE TO THE -- TO THE CULTURAL INSTITUTION. YOU SEE ALSO THE BASE BUILDING THAT I WAS REFERRING TO THAT PRETTY MUCH MATCHES THE LINE OF THE BUILDINGS AROUND THEN THE FLOATING TOWERS THAT WE HAVE BEEN TALKING ABOUT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

IT COULD BE EXPANDED AND ANOTHER FLOOR THAT WE HAVE ABOVE THIS ONE THAT WOULD BE FLEXIBLE SPACE THAT WOULD ALLOW NEAR 50,000 SQUARE FEET FOR THE GROWTH OF THAT CULTURAL INSTITUTION, WHICH IS SOMETHING THAT WE'RE LOOKING FOR SOME FLEX FLEXIBILITY AS IT STARTS TAKING SHAPE. SO IT ALLOWS THAT CULTURAL INSTITUTION TO GROW TO 100,000 SQUARE FEET. BUT MORE IMPORTANTLY WHAT WE WANTED TO CONVEY IS THE CULTURAL INSTITUTION SHOULD FILL OWNERSHIP OF THAT WHOLE BASE BUILDING. EVEN IF THEY'RE NOT OCCUPYING EVERYTHING, THAT BUILDING IS THE ONE THAT BASICALLY IDENTIFIES THE CULTURAL INSTITUTION AS THE ONE THAT COMPLEMENTS THE CITY HALL TO THE SOUTH, SO THEY'RE CREATING WHAT ALLOWS THE CULTURAL INSTITUTION TO HAVE THE PROMINENCE THAT IT DESERVES. AS WE CONTINUE BASICALLY -- THIS IS THE TYPICAL FLOODPLAIN OF THE TWO TOWERS. AS I MENTIONED, THE TWO TOWERS HAVE -- ONE IS CONDOS. THE TOP FLOOR OF THE BASE BUILDING, THEY WILL HAVE

SHARED AMENITIES. THAT IT WILL INCLUDE MEETING ROOMS, EXERCISE ROOMS, SERVICES OF ALL KIND. AND THEY WILL ALSO SHARE THE TERRACES THAT WILL BE ON TOP OF THE BASE BUILDING. BASICALLY THE BASE BUILDING WILL ALLOW FOR THE TERRACE TO BE A GREAT LOCATION FOR A RESTAURANT OVERLOOKING THE PLAZA OR FOR A SWIMMING POOL, EXERCISE AREA, GARDEN THAT WOULD BE PART OF THE SHARING OF THESE TWO USES, THE CONDO AND THE HOTEL. IT NEEDS TO BE A VERY ATTRACTIVE ACCOMMODATION. WHEN YOU HAVE A CONDO AND HOTEL SHARING THESE AND SHARING THAT PLAZA OVERLOOKING THAT TERRACE, OVERLOOKING THE PLAZA, VERY TREACLE ELEMENT, BUT NOT COMPETING WITH THE INSTITUTION. THE CULTURAL INSTITUTION IS HAVING ITS OWN ENTRANCE. THE ENTRANCE TO THE TWO TOWERS ARE FROM GUADALUPE AND LAVACA. SO THE SEPARATE ENTRANCES, THEY DON'T WANT TO COMPETE WITH THE CULTURAL INSTITUTION AND THE PRESENCE THAT IT IS IN RELATION TO THE PLAZA. THEN THEY COME TOGETHER IN THE SHARED SPACES THAT THEY HAVE AT THAT TOP FLOOR OF THE BASE BUILDING. SO THE RESIDENTIAL IS VERY EFFICIENT. IT'S WHAT THEY LIKE IN TERMS OF NOT HAVING TOO BIG A FLOOR PLAN AND THEIR SEPARATE, BUT SIMILAR IN TERMS OF THE SIZE. THEY WILL CONTAIN APPROXIMATELY 130 UNITS FOR THE CONDO AND 260 ROOMS FOR THE HOTEL. AND THEY WOULD PROVIDE ALSO SOMETHING THAT IS VERY IMPORTANT IN THIS PROJECT. WE THINK THAT THIS PROJECT FROM THE URBAN POINT OF VIEW AGAIN. AND I WANTED TO BRING THIS AGAIN, BECAUSE WHEN YOU LOOK AT THE THESE AT THE BOTTOM, YOU CAN SEE THE SENSE OF BALANCE AND SYMMETRY. THOSE BUILDINGS ARE FLANKING THE CITY HALL IN A WAY THAT THEY CONTRAST WITH THE CITY HALL. THE CITY HALL IS SMALLER, BUT IT HAS A BIT MORE CLEAR PERSONALITY ABOUT BEING A SKULL CHUR AND THIS ESSENTIAL BALANCE BETWEEN THE CSC AND THE CITY HALL THAT WE WANTED TO COMPLEMENT WITH THOS TOWERS. SO IN A WAY YOU'RE BRINGING THAT SENSE OF A MUCH TALLER BUILDING, BUT IT'S PROVIDING AN ANCHOR AND A VISUAL BACKDROP THAT IS VERY BALANCED WITH EXISTING CONDITIONS OF THE CITY CSC BUILDINGS. SO THOSE TOWERS ARE ALSO THE ONES THAT WILL ALLOW THE BUILDING TO HAVE THE ABILITY TO ANCHOR THIS DISTRICT AT THE SCALE OF THE CITY. YOU

REALLY NEED TO THINK OF THIS AS SOMETHING THAT WOULD REALLY TALK ABOUT THE NEW AUSTIN AND THE NEW SENSE OF IDENTITY FOR THE CITY, SO THERE'S A NEED FOR SOMETHING THAT ANCHORS IT IN A SCALE OF THE CITY. AND THAT'S WHAT WE'RE TRYING TO ACHIEVE WITH THOSE TWO TOWERS. JUST A VERY QUICK RUN DOWN ON THE NUMBERS. UP TO 100,000 SQUARE FEET FOR THE CULTURAL INSTITUTION. UP TO 400,000 SQUARE FEET FOR THE HOTEL AND CONDO. 75,000 SQUARE FEET OF FLEXIBLE SPACE. 500 PARKING SPACES ON THREE FLOORS. AND THEN MORE IMPORTANTLY, 35% OF THE BLOCK ONE WILL BE GIVEN AWAY TO THE PUBLIC PLAZA. EVEN IF IT'S ONLY 35% -- IT'S A LOT, IT'S 35% OF THE BLOCK THAT'S BASICALLY GIVEN AWAY. AND THE RESULTING SPACE IS MUCH BIGGER THAN THAT BECAUSE IF YOU THINK ABOUT THE SPACE THAT IS BETWEEN THE CITY HALL AND THIS NEW BUILDING, YOU WILL END UP WITH A PLAZA THAT'S # HUNDRED BY 300 -- 200 BY 300 300 FEET. SO THAT'S WHY WE THINK IT'S IMPORTANT. YOU'RE WORKING WITH WHAT IS THERE TO CREATE SOMETHING THAT IS COMPLEMENTING WHAT IS THERE. AND JUST AS A LAST THOUGHT BEFORE HOWARD COMES BACK TO TELL YOU MORE ABOUT OTHER ASPECTS OF THE PROJECT, I JUST WANTED TO LEAVE YOU WITH A LAST THOUGHT THAT IT'S BECOMING REALLY MORE AS A CONCERNED CITIZEN, NOT SO MUCH AS A PRESENTER. AND SOME OF YOU MAY KNOW THAT I'VE BEEN ADVOCATING FOR THIS BLOCK 21 FOR MANY YEARS AND I HAVE DONATE AND I STILL DONATE AS A CONCERNED CITIZEN. BASICALLY I REALLY THINK IT'S TRULY AN HISTORIC OPPORTUNITY. THERE ARE NOT REALLY MANY CHANCES THAT YOU HAVE TO CHEAT SUCCESSFUL, PUBLIC PLAZAS LIKE THE ONE WE HAVE. WE'RE NOT TALKING ABOUT A SETBACK, WE'RE TALKING ABOUT SOMETHING SURROUNDED BY BUILDINGS THAT HAVE THE ABILITY TO REALLY, REALLY CREATE A SENSE OF IDENTITY BY PROVIDING CULTURAL INSTITUTION WITH THE -- COMBINING CULTURAL INSTITUTION WITH THE PUBLIC SPACE. SO WE NEED TO MAKE SURE THAT WE INCLUDE THIS PUBLIC SPACE AND A CULTURAL INSTITUTION. WE NEED TO BE ABLE TO CREATE A WONDERFUL SENSE OF PLACE IN THIS PLACE THAT WOULD BE REALLY MORE THAN RETAIL. THIS IS NOT JUST ABOUT REAL ESTATE TAIL. IT'S A GREAT OPPORTUNITY FOR THE CITY TO THINK ABOUT

SOMETHING THAT GOES BEYOND RETAIL. THAT IS MORE ABOUT WHAT WE WANT TO BE AND WHAT ARE THE ASPIRATIONS OF THE CITY. AND IJ THIS IS A CHANCE TO REALLY TALK ABOUT ALL THE THINGS THAT WE ASPIRE AND THE VALUES OF AUSTIN THAT WE THINK ARE RELATED TO DEMOCRACY, CULTURE, ENTERTAINMENT AND CIVIC PRIDE. THANK YOU.

Mayor Wynn: THANK YOU, MR. MORROW.

YOU GUYS HAVE SEEN THE DESIGN NOW. IT'S ACTUALLY QUITE OUTSTANDING. WE'RE VERY EXCITED ABOUT IT. BUT LET'S GET INTO SPECIFICS OF HOW DOES THIS DESIGN RELATE TO ACHIEVING THE CITY'S GOALS AND OBJECTIVES. FIRST OF ALL, ONE OF THE FIRST GOALS YOU HAVE FOR THIS TO HAVE A POSITIVE FINANCIAL IMPACT TO THE CITY. FIRST OF ALL THE HOTEL SEGMENT OF THE DEVELOPMENT WILL SUBSTANTIATE SUBSTANTIAL REVENUE THAT WOULD NOT OTHERWISE BE PRESENT. SECONDLY WE THINK THE VALUATION OF THE DEVELOPMENT WOULD BE HIGHER THAN TYPICAL DOWNTOWN PROPERTIES DUE TO THE HOTEL USE AS WELL AS INDIVIDUAL SALES OF CONDOMINIUMS INCREASE THE VALUATION ON A PER SQUARE FOOT BASIS. EVEN THOUGH THE RETAIL SPACE WE HAVE PROPOSED IS 32,000 SQUARE FEET, IT'S SLIGHTLY LESS THAN WHAT WAS SUGGESTED IN THE R.F.P., THE RESTAURANT COMPONENT OF THE HOTEL, WHICH WE ESTIMATE TO COMPRISE AROUND 7500 SQUARE FEET OF SPACE WILL ACTUALLY GENERATE A HIGHER SALES TAX PER SQUARE FOOT THAN YOUR AVERAGE RETAIL USE. AND LASTLY WE THINK THAT OUR DESIGN WILL RESULT IN HIGHER JOB CREATION PRIMARILY THROUGH THE HOTEL USE. WE ESTIMATE 600 JOBS WILL BE CREATED BY THE HOTEL USE ALONE. SECONDLY, THE GOAL IS FOR THE PROJECT TO ENHANCE AND CONTRIBUTE TO DOWNTOWN AND THE SECOND STREET DISTRICT. WE BELIEVE THAT ONE OF THE REQUIREMENTS FOR SUCCESS IS HIGH PEDESTRIAN ACTIVITY, HIGH PEDESTRIAN TRAFFIC. WE THINK THE COMBINATION OF THE HOTEL AND THE RESIDENTIAL USE WILL CITE A HIGH LEVEL OF PEDESTRIAN ACTIVITY NECESSARY TO ADD THE OVERALL BUZZ AND LEVEL OF THE ENTIRE SECOND STREET DISCTRICT. THE 35% OF THE SPACE IN FRONT OF THE BUILDING AS JUAN MENTIONED TO CREATE A PUBLIC SPACE WILL ACTUALLY

ACT AS A DRAW TO THE SECOND STREET DISCTRICT. PEOPLE WILL COME THERE. WE ENVISION A PLAN WHERE THE SECOND STREET THAT GOES THROUGH IT CAN BE CLOSED OFF WITH A SERIES OF BALLARDS AND OPENING UP THE SPACE TO ROUGHLY TWO-THERDZ OF A SIZE OF A CITY BLOCK TO ENTERTAINMENT AND CIVIC USES. THE PLAZA ITSELF WILL BE A GREAT PLACE FOR DAY-TO-DAY INNER ACTION. DRAWING ACTIVITY TO THE SECOND STREET DISCTRICT. WE ALSO BELIEVE THAT THE SIGN IN AND OF ITSELF CREATES A NEW LANDMARK FOR THE CITY OF AUSTIN. WE BELIEVE IT COMPLEMENTS THE SURROUNDING BUILDINGS VERY WELL AND THE TWO TOWERS WILL ACTUALLY BE SEEN AS FLOATING ABOVE THE BASE OF THE BUILDING AND CREATE A VERY GREAT LANDMARK. LASTLY, AND WE'LL GET INTO THIS LATER, WE THINK THAT THE DESIGN THAT THEY HAVE CREATED WILL CREATE AN EXCEPTIONAL PLATFORM FOR A CULTURAL USE. IN FACT, WE BELIEVE THAT THE CORPORATION OF A CULTURAL USE INTO THIS PROJECT IS ACTUALLY A BIG COMPONENT OF THE ULTIMATE FINANCIAL SUCCESS OF THE PROJECT. THE LAST GOAL EXPRESSED BY THE CITY IS TO HAVE OUR PROJECT COMPLEMENT THE SURROUNDING USES, INCLUDING THE CITY HALL. CLEARLY AS YOU'VE SEEN FROM JUAN'S DEMONSTRATION, IT COMPLEMENTS THE CITY HALL TO A GREAT DEGREE. THE PUBLIC SPACE CLEARLY ANCHORS THE ENTIRE SECOND STREET DISCTRICT AS A DRAW FOR THE SECOND STREET DISCTRICT. AS YOU CAN SEE, AS I MENTIONED BEFORE, THE HIGH BUILDING IS THE SAME HEIGHT AS THE SURROUNDING BUILDINGS TO ACHIEVE SYMMETRY IN THAT LEVEL AS WELL AS AUGMENT THE VISUAL APPEAL OF THE FLOATING TOWERS. LASTLY, THE HOTEL-MOTEL COMBINATION NOT ONLY AUGMENTS THE RETAIL AND RESIDENTIAL SURROUNDING USE, WE ALSO THINK IT WORKS VERY WELL WITH THE BUSINESS USES AS WELL. PEOPLE CAN STAY THERE AND THERE WILL BE MEETING SPACE AND WE THINK THERE WILL BE A HIGH LEVEL OF ACTIVITY THERE AS WELL. MORE IMPORTANT TO US AS A DEVELOPER ARE FINANCIAL VIABILITY. THE GOALS AND OBJECTIVES OF THE CITY ARE VERY IMPORTANT TO US, BUT ULTIMATELY WE WANT TO HAVE THE PROJECT BE FINANCIALLY VIABLE. ONE OF THE MOST IMPORTANT ASPECTS OF THIS PROJECT IS THE FLEXIBILITY AND

POTENTIAL COMBINATIONS BETWEEN THE HOTEL AND CONDOMINIUM TOWERS TO -- TO ACHIEVE FINANCIAL SUCCESS IN A VARIETY OF MODELS. FOR EXAMPLE, UNDER THIS SCENARIO, CONSTRUCTION CAN BEGIN ON THE CONDOMINIUMS INSTEAD OF WAITING FOR TYPICAL PRESALE REQUIREMENTS, REGARDLESS OF WHAT'S GOING ON, BECAUSE THE HOTEL, IF THE CONDO SALES LAG, THE HOTEL CAN RENT THE CONDOS OUT. THERE CAN BE COMPLIMENTING THINGS BETWEEN THE HOTEL AND THE CONDOMINIUMS UNDER A VARIETY OF FINANCIAL MODELS AND THE PROJECT WILL BE SUCCESSFUL. THEY FAVOR THIS MODEL BECAUSE THEY ARE VERY KNOWLEDGEABLE ABOUT THE FINANCIAL MARKETS AND ACTUALLY IN THIS DAY AND AGE IT'S EASIER TO OBTAIN FINANCING FOR A PROJECT LIKE THIS WITH GREATER FLEXIBILITY BECAUSE, FOR EXAMPLE, IF YOUR ECONOMIC ASSUMPTIONS AND WHAT YOU'RE ASSUMING SOMEHOW DON'T COME TO PASS, FOR EXAMPLE, IF YOUR MODEL ASSUMES A CERTAIN AMOUNT OF CONDOMINIUM SALES WITHIN A CERTAIN PERIOD OF TIME, BUT THOSE CONDOMINIUM SALES DON'T MATERIALIZE, WHICH IS A CONCERN GIVEN THE LARGE NUMBER OF NEW CONDOMINIUM DEVELOPMENTS THAT HAVE BEEN ANNOUNCED IN THE AREA, YOU CAN FLIP AND CHANGE YOUR MODEL TO ADD LONG-TERM HOTEL PROGRAM, YOU CAN PUT THE HOTEL CONCEPT WITH THE CONDOMINIUM CONCEPT. THE LAST THING -- LET ME BACK UP. THE LAST THING IS WE BELIEVE THIS IS -- THERE'S A HIGH POSSIBILITY OF HAVING AUSTIN MUSEUM OF ART FIND A PERMANENT HOME IN THIS FACILITY. ONE OF THE ISSUES -- WE BELIEVE THAT ADDING A CULTURAL ENTITY TO THE INSTITUTION IS VERY IMPORTANT. AS A PRACTICAL MATTER, ONE OF THE PROBLEMS WITH THAT IS FINANCIAL. MOST CULTURAL ENTITIES AND MOST CULTURAL ORGANIZATIONS DON'T REALLY HAVE THE BEST BALANCE SHEET OR FINANCIAL CREDIBILITY. IT'S VERY HARD TO FINANCE A PROJECT PARTICULARLY WHEN YOU'RE TALKING SPACE IN TERMS OF 50,000 SQUARE FEET. TO BRING IT ON BOARD IT WOULD INVOLVE A COMBINATION OF THEM SELLING THEIR LAND AND CONTRIBUTING VERY SUBSTANTIALLY FINANCIALLY TO THE PROJECT AND BASICALLY ELIMINATING THE FINANCIAL ISSUES ASSOCIATED WITH BRINGING A CULTURAL INSTITUTION TO THE PROJECT. IT WOULD ALSO --

THIS WOULD ALSO INVOLVE IN ARRANGEMENT WITH THE CITY BUT ALSO FREE UP THE LAND THAT THE MOA OWNS NOW TO ENABLE THE CITY TO CONTROL THE DEVELOPMENT OF THAT LOT TO AGAIN IN A MANNER CONSISTENT WITH THE SECOND STREET DISTRICT AND DOWNTOWN, MUCH LIKE YOU'RE CONTROLLING DEVELOPMENT OF BLOCK 21. WELESS BELIEVE THAT THE -- WE ALSO BELIEVE THAT THE EXISTENCE OF MOA IN THIS FACILITY, YOU CAN VISUALIZE BEAUTIFUL OUTDOOR SCULPTURE IN THE PLAZA AND ON TOP OF THE TERRACE. THE ENTIRE FACADE OF THE BUILDING WOULD BE GEARED TOWARD THE AUSTIN MUSEUM OF ART. IT WOULD BE A PERMANENT HOME FOR THEM. THE FLEXIBILITY OF THE PROJECT ALLOWS THEM TO START SMALL AND CREATE THE FLEXIBILITY FOR EXPANSION IN THE FUTURE. WE'VE SHOWN THIS PROJECT TO SEVERAL PROMINENT BOARD MEMBERS OF MOA, SEVERAL PAST BOARD MEMBERS, ONE OF WHICH IS MYSELF, THE EXECUTIVE DIRECTOR OF AMOA. WHILE THERE ARE NO COMMITMENTS, THERE'S A VERY HIGH LEVEL OF INTEREST, AND WE THINK THAT TO THE EXTENT THAT WE WERE SELECTED THAT THE STARS ARE REALLY LINING UP RIGHT NOW TO ACTUALLY CREATE A SCENARIO WHERE THE AUSTIN MUSEUM OF ART WORKING TOGETHER WITH US AND THE CITY OF AUSTIN CAN ACHIEVE A PERMANENT HOME IN THIS LOCATION. THE LAST THING I WANT TO GO THROUGH IS OUR DEVELOPMENT TEAM. LET'S SEE IF IT WORKS. THE TWO DEVELOPERS I WENT OVER WITH WHAT WE'VE ALREADY DONE. ONE I THINK I WOULD MENTION IS WE DO HAVE EXPERTISE IN WORKING WITH NONPROFIT ORGANIZATIONS. ONE OF THE PROJECTS I PERSONALLY AM THE MOST PROUD OF IS WE RENOVATED THE CARITAS FACILITY AT NUECES AND -- NAICHZ AND SEVEN -- NECHES AND SEVENTH STREET AND PLUS I'VE BEEN INVOLVED IN A NUMBER OF NONPROFIT ORGANIZATIONS SO I HAVE SOME EXPERTISE IN HOW THAT WORKS IN TERMS OF POTENTIALLY WORKING WITH EITHER AMOA OR SOME OTHER CULTURAL INSTITUTION IN DEVELOP PROJECTS. THE CORPORATION IS ONE OF THE LARGEST HOTEL OPERATORS IN THE COUNTRY. THEY'VE BEEN AROUND FOR 100 YEARS. THEY HAVE OVER 30,000 ROOMS THAT ARE OPERATION, OWNERSHIP OR MANAGEMENT RIGHT NOW. IF YOU GO TO THE WEBSITE YOU WILL BE -- THEY'RE PHENOMENAL. AGAIN, THE REASON THAT DAVID ROTH

ENBURG CAN'T BE HERE IS BECAUSE THEY'RE OPENING A HUGE PROJECT IN PUERTO RICO TODAY. YOU MET JUAN MORROW, WHICH IS OUR DESIGN ARCHITECT. IT IS -- HE IS A NATIONALLY RECOGNIZED FOR DESIGN EXCELLENCE. THEY HAVE INTERNATIONAL AND URBAN EXPERIENCE AND THEY HAVE A PASSION FOR URBAN ISSUES FOR OUR CITY AS YOU POSSIBLE SAW FROM JUAN'S PRESENTATION. JUAN HAS NOT -- HE HAS FOCUSED SO MUCH MORE ON THE VISION OF THIS PROJECT FOR THE CITY AS A PUBLIC PLACE, AS AN ADDITION TO THE CITY AS OPPOSED TO TRYING TO MEET SOME MAGICAL FORMULA FOR RETAIL OR WHAT HAVE YOU. HIS VISION IS MUCH GREATER FROM AN URBAN PERSPECTIVE THAN THAT. WE JUST RECEIVED A COMMITMENT FROM THE PETER WALKER AND PARTNERS, WHICH IS THE -- PROBABLY NATIONALLY THEY'RE THE MOST REKNOWNED LANDSCAPE ARCHITECT IN THE COUNTRY. THAT THEIR WORK INCLUDES THE SCULPTURE CENTER IN DALLAS. WORLD TRADE CENTER MEMORIAL. THE MUSEUM OF MODERN ART IN NEW YORK. DAT ITEM ENGINEERS, WITH WHOM I BELIEVE YOU'RE FAMILIAR BECAUSE THEY DID THE STRUCTURAL WORK FOR THE NEW CITY HALL, SOOLS ON OUR TEAM. THEY'RE ALSO LONG TIME COLLABORATORS WITH THE ARCHITECTS. ARS AND LASTLY THE EXECUTIVE ARCHITECT OF THE TKT IS HKS INC. THANK YOU.

Mayor Wynn: THANK YOU. SO WITH THAT WE'LL HEAR FROM THE THIRD PROPOSAL. WHILE WE'RE WAITING, POORT WALKER ARCHITECTS ARE ALSO BEING COMMISSIONED BY THE UNIVERSITY OF TEXAS TO SPREED THEIR SPED -- COMPLETE THEIR SPEEDWAY PEDESTRIAN MALL. TO TAKE IT FROM CONGRESS AVENUE TO -- FROM MLK TO DEAN KEATON. THAT WILL BE A PETER WALKER URBAN DESIGN. WELCOME, MR. ARMSTRONG.

THANK YOU, MAYOR, MAYOR PRO TEM, COUNCIL. THANK YOU FOR THIS OPPORTUNITY TO BRIEF YOU TODAY ON OUR PLANS FOR BLOCK ONE21. I'M BO ARMSTRONG, THE CEO WAS STRATUS PROPERTIES AND I HAD LIKE TO INTRODUCE THE REST OF OUR TEAM. WE HAVE LANCE HOUSE FROM TRAMMELL CROW. THEY ARE ONE OF THE LARGEST AND MOST RESPECTED NAMES IN REAL ESTATE IN THIS COUNTRY. AND FRED DENTON, WHO IS WITH THE GABLES REEF, WHICH IS A TWO BILLION DOLLAR APARTMENT GROUP

THAT HAS SEVERAL NOTEWORTHY PROJECTS HERE IN AUSTIN. I GUESS I'LL START WITH THE COMMENT THAT I'M GOING TO TURN IT OVER TO STEVE WHO WILL BE HANDLING THE PRESENTATION FOR US. I THINK ALL OF US, THE THREE PRESENTERS TODAY, REALLY RECOGNIZE THE SIGNIFICANT VALUE THAT THE CITY HAS CREATED WITH THIS ASSET BY THE EFFORTS HERE AS WELL AS THE WHOLE SECOND STREET DISTRICT. IT HAS REALLY CREATED A VERY COMPELLING OPPORTUNITY AND I THINK THAT WILL BE REFLECTED IN THE PURCHASE PRICE THAT YOU WILL RECEIVE FOR THIS ASSET. WITH THAT I'LL TURN IT OVER TO STEVE DRENER AND WE'LL BE AVAILABLE FOR ANY QUESTIONS THAT MAY COME UP.

Mayor Wynn: WELCOME, MR. DRENER.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, I'M STEVE DRENER. I WANTED TO INTRODUCE BRIEFLY SOME OF THE OTHER FOLKS ON THE TEAM. YOU'RE GOING TO BE HEARING FROM ARTHUR ANDERSEN, WHO IS OUR ARCHITECT. WE'VE - - WE ALSO HAVE GALE PETORRI WHO HAS BEEN CONSULTING WITH US ON GREEN BUILDING ISSUES. GALE HAD ANOTHER ENGAGEMENT TODAY AND COULDN'T BE HERE. AND MIKE LIZARD HELPING WITH COMMUNITY RELATIONS. WHAT WE'RE GOING TO DO IN THIS PRESENTATION IS FIRST TURN IT OVER TO AWE THUR AND HAVE HIM DESCRIBE OUR VISION FOR BLOCK 21. THEN WE'RE GOING TO TALK ABOUT ECONOMIC IMPACTS, ADDRESS A COUPLE OTHER ISSUES THAT WE THINK MAY BE OF SOME CONCERN TO YOU. AND THEN WRAP IT UP AND ANSWER QUESTIONS. ARRESTARTHUR IS A PRINCIPAL IN ANDERSON LIES ARCHITECTS. THEY ARE BASED IN AUSTIN. AWE THUR HAD BEEN -- ARTHUR HAS BEEN DOING WORK ACROSS THE COUNTRY, LARGE INSTITUTIONAL AND CIVIC PROJECTS AND WE'RE VERY PROUD TO HAVE ARTHUR ON THE TEAM AND WANT HIM TO SHARE HIS VISION WITH YOU.

THANK YOU, STEVE. THANK YOU, MAYOR, MAYOR PRO TEM, CITY COUNCILMEMBERS. I WANT -- I'M GOING TO BE KIND OF BRIEF, I THINK, BUT I WANTED TO FIRST JUST KIND OF EXPRESS WHAT AN HONOR IT'S BEEN TO WORK ON THIS PROJECT THE LAST SEVERAL MONTHS BECAUSE OF WHAT HAS ALREADY BEEN DONE IN THIS DISTRICT AND BECAUSE

OF THE GREAT NEW LANDMARK BUILDING THAT YOU HAVE THAT WE'RE MEETING IN TODAY. IT'S A VERY EXCITING TIME. I DON'T NEED TO TELL YOU THAT. BUT IT OCCURRED TO ME AS WE BEGAN WORKING ON IT AND WE'VE BEEN COLLABORATING ON THIS DESIGN FOR SEVERAL MONTHS, THAT THE NATURE OF THIS SPECIFIC PROJECT RELATIVE TO AUSTIN IS ONE THAT IT IS THE NEXT BUILDING BLOCK AND IT IS THE NEXT CENTRAL BUILDING BLOCK. OUR SCHEME IS COMPRISED OF 490,000 SQUARE FEET OF SPACE, WHICH IS A MIXED USE DEVELOPMENT. IT'S MIXED IN THAT WE HAVE 50,000 SQUARE FEET OF RETAIL SPACE, WE HAVE 180,000 SQUARE FEET OF OFFICE SPACE. WE HAVE 100,000 SQUARE FEET OF MULTI-FAMILY APARTMENTS FOR RENT, APARTMENTS WHICH IS 75 UNITS AT ABOUT AVERAGE OF 1300 SQUARE FEET EACH. AND WE HAVE 160,000 SQUARE FEET OF CONDOMINIUMS. AND THE REASON I KIND OF SPOUT OFF THOSE NUMBERS IS BECAUSE WE FEEL THAT WE HIT THE RIGHT MIX FOR THE SITE. THERE'S NOT ANY SINGLE ASPECT OF THE PROGRAM THAT WE'RE GOING TO PROPOSE TO YOU THAT WE BUILT FOR THIS SITE THAT WILL OVERWHELM THE KIND OF ECONOMICS INTO THE AREA AND YET WE'VE ACCOMPLISHED WHAT WAS SET OUT IN THE R.F.P. AND WITH THAT YOU ALL OF THAT, THE EXCITEMENT IS THAT WE HAVE A BUILDING IN A PROJECT THAT WE THINK CAN BE NOT ONLY EMBLEMATIC AND A SHINING STAR, BUT AN EXAMPLE OF AUSTIN'S GREEN BUILDING. WE ARE ALSO MEMBERS OF THE GREEN BUILDING PROGRAM, BUT WITHIN OUR SITE THE THING I WANT TO MAKE CLEAR, WHICH I'LL WALK YOU THROUGH IN A MINUTE, IS THAT THE TOTAL GREEN -- OF THE ROUGHLY 75,000 SQUARE FEET OF IN PLAN THAT THE SITE REPRESENTS, OVER 42,000 OF THAT WILL BE GREEN IN OUR PROJECT. SO AROUND 30,000 SQUARE FEET IS ACTUALLY HARD SPACE, HARDSCAPE. WE THINK THAT THIS IS INTERESTING FROM SPECIFIC ASPECTS SUCH AS CREATING HEAT ISLAND EFFECT AND WHATNOT, BUT THE REAL GIFT TO THE CITY ARE THE PUBLIC SPACES THAT WE'RE PROPOSING. AND SO I'M GOING TO SORT OF CITE FROM THE AIR AND I'M GOING TO VERY QUICKLY KIND OF BUILD UP WHAT OUR STRATEGY WAS. THIS FIRST LAYER, THE TWO COLORS, THE YELLOW REPRESENTS RETAIL AND THE SORT OF GRAY TONE REPRESENTS PARKING. THE PARKING FOR THE SITE IS A COMBINED EFFORT OF THREE

LEVELS THAT ARE UNDERGROUND AND FOUR LEVELS THAT ARE ABOVE GROUND. THE FOUR LEVELS THAT ARE ABOVE GROUND STACK UP TO A SPACE THAT IS 100 FEET TO 200 SQUARE FEET. IT'S AN OPEN, PUBLIC SPACE THAT IS ROUGHLY OFF A PLAZA AT STREET LEVEL. THE ORANGE BLOCK THAT YOU SEE FLANKING THAT IS THE OFFICE SPACE, AND THE RENTAL UNITS ARE THE PURPLE BLOCK THAT ADDS UP THERE. YOU WILL NOTICE IT'S FAIRLY SELF-EVIDENT THAT WHEN A BUILDING SUCH AS WE'RE IN IS BUILT IT DEMANDS A RESPONSE AND IT DEMANDS I THINK SIGNIFICANT RESPECT. WE'VE NOT EXCEEDED THE HEIGHT OF THIS BUILDING WITH THE DEVELOPMENT OF THE RENTAL UNITS, AND YOU CAN SEE FROM THIS LITTLE AERIAL MODEL, THE DIAGRAM THAT THE MASSING OF WHERE WE PROPOSED THE RENTAL UNITS CORRESPONDS WITH THE MASSING OF THE WESTERN PORTION OF THE NEW CITY HALL. THEN ON TOP OF THE OFFICE SPACE ARE FOR SALE CONDOMINIUMS. SO WHAT THAT ADDS UP TO IS A DEVELOPMENT THAT I SAID IS MOSTLY GREEN. THE BUILDING IS ACTUALLY SHAPED TO TAKE ADVANTAGE OF -- AND THIS PARTICULAR PHOTOGRAPH SHOWS THE PROXIMITY TO TOWN LAKE. IT'S SHAPED TO TAKE ADVANTAGE OF THE PREVAILING BREEZES THAT WILL COME OFF THE LAKE EACH DAY. THE LOWER BUILDING IN THE FRONT DOES NOT EXCEED THE HEIGHT OF CITY HALL. THERE'S A PLAZA AT THE CORNER OF LAVACA AND SECOND STREET THAT IS AT GROUND LEVEL AND THE OTHER PLAZA IS AT THIS 40-FOOT RAISED LEVEL. IN ADDITION TO THAT THE ROOF OF THE APARTMENT BUILDING IS ACTUALLY A GREEN ROOF. AND SO WHAT WE ARE IMAGINING IS THAT ALL OF THAT WILL BE A KIND OF -- AS OTHERS HAVE SAID BEFORE ME, -- IT'S A GIFT NECESSARY TO GIVE BACK TO THE CITY BECAUSE THESE GIFTS MAKE PUBLIC SPACES THAT ARE REALLY USED BY PEOPLE. WE DON'T NEED TO FILL THIS BLOCK OUT IN ORDER TO ACCOMMODATE THE GOALS OF DEVELOPMENT. WE HAVE DESIGNED THE ELEVATIONS, THOUGH THEY'RE FAIRLY SCHEMATIC, SOMETHING I'VE LEARNED OVER THE YEARS, AND ESPECIALLY WORKING IN TEXAS, IS THAT YOU CAN REALLY USE THE SUN AS A LIGHT MODULATOR IF YOUR BUILDINGS AND THAT'S WHY WE MADE THIS LITTLE MODEL BEFORE YOU, WHICH I DON'T HAVE A PICTURE UP. ITS FACING YOU. THE WAY THE SOUTH ELEVATION OF THIS

PROJECT IS DESIGNED, DEPENDING ON THE TIME OF YEAR BETWEEN 30 AND 60% OF THE ELEVATION WILL BE IN SHADOW. SO WE CAN TAKE ADVANTAGE OF SHADE AND SHADOW AND WE CAN TAKE ADVANTAGE OF DAY DAYLIGHTING. ON SOME OF OUR OTHER PROJECTS WE'VE BEEN ABLE TO -- BY TAKING ADVANTAGE OF SHADING WINDOWS, NATURALLY CUT ENERGY COSTS FOR LIGHTING BY UP TO 75%. IT'S A FASCINATING WAY TO THINK OF DESIGNING BUILDINGS AND IT'S SHAPED -- THIS PARTICULAR -- IT'S SHAPED THIS PARTICULAR ONE. IN THE END WHAT WE THINK WILL HAPPEN WITH ALL OF THIS IS THAT A NEW DESTINATION WILL BE CREATED. I'M NOW GOING TO WALK YOU THROUGH SOME OF THE FLOOR PLANS BECAUSE THE LEVELS ARE A LITTLE BIT COMPLEX. BELOW THE PICTURE THAT I'M SHOWING YOU ARE THREE LEVELS OF PARKING BELOW GRADE. WE'RE VERY AWARE THAT IN THE R.F.P. IT BASICALLY SAYS THAT -- IT SPECIFICALLY SAYS THAT VEHICULAR ENTRANCE SHOULD BE OFF OF THIRD STREET. AND WE CAN DO A SCHEME THAT DOES THAT. THE NOTION OF A MIXED USE PROJECT IS THAT THERE ARE USES COMBINING RESIDENTIAL AND OFFICE USES ARE THAT THERE'S A POTENTIAL THAT THERE IS SOME DIFFERENT USES AND MIGHT WANT TO HAVE DIFFERENT ENTRANCES. SO WE'VE SHOWN THE POSSIBILITY OF THE COMBINATION OF RETAIL AND OFFICE SPACES, SOME 600 SPACES TOTAL, TO BE BELOW GRADE ENTERED OFF OF THIRD STREET. THE REMAINING 480 SPACES CAN BE ENTERED OFF OF GUADALUPE AND ARE UP INTO THE MID RANGE OF THE BUILDING. THOSE ARE CAPS, LIKE THE ROOF TERRACE THAT I MENTIONED. THIS IS SORT OF AN AERIAL PLAN SHOWING THE PLAZA AT THE CORNER OF SECOND AND LAVACA AND THE LARGE ROOF TERRACE, WHICH IF YOU CAN GET IN YOUR MIND'S EYE, IT'S NOT QUITE A FOOTBALL FIELD. IT'S A LARGE PUBLIC SPACE. IMPORTANT TO THIS PUBLIC SPACE IS THAT IT'S OPEN TO THE SOUTHEAST TO WATCH THE PREVAILING BREEZES. THE OTHER THING THAT'S IMPORTANT IS THAT IT MAKES A STRANGE CONNECTION TO THE WEST. IT'S OPEN TO THE WEST. IT NOT AN INTERNAL COURTYARD. IT A SPACE THAT CAN BE SHARED BY THE USERS OF THIS FACILITY. I ALMOST THREW IN A PHOTOGRAPH HERE OF THE SPANISH STEPS IN ROME. I THOUGHT THAT MIGHT BE ESOTERIC. THAT TAKES YOU TO

ABOUT 75 FEET FROM PLAZA TO PLAZA. THAT'S A VERY DOABLE MOALGHTD IN AN URBAN ENVIRONMENT TO GO UP TO 40 FEET. WE HAVE A COMBINATION OF STAIRS, HE WILL CA LATERS AND ELEVATORS. AND AS THIS IS A SCHEMATIC DESIGN WE HAVEN'T DEVELOPED THAT, BUT WE FIND IT REALLY INTRIGUING THAT WE HAVE A RAISED MOUNTAIN IN THE MIDDLE OF AUSTIN BASICALLY. SO AS YOU MOVE UP THEN THE ROOF TERRACE OF THE APARTMENTS, AS I SAID, FACING CITY HALL, IS INTENDED TO BE GREEN. THE RESIDENTIAL CONDOS FORM THE TOWER THAT IS ON THE NORTH AND EAST SIDE OF THE PROJECT, AND IT JUST STACKS UP SORT OF THAT SIMPLY. THIS IS WHAT IT LEAVES YOU. AND NOW MY CLICKER -- THERE IT IS. NOW IT'S GOING TO GO AGAIN. THIS IS NOT OUR PROJECT. THIS IS SOME OF MY PROJECTS. I HAVE TO TAKE A SECOND TO TALK ABOUT THIS. ONE OF THE THINGS THAT THIS BUILDING SPECIFICALLY DOES, THE CSC BUILDINGS DO IT AS WELL AND SEVERAL GREAT BUILDINGS LIKE THE CAPITOL BUILDING IN AUSTIN. IT'S ALWAYS INTRIGUING HOW THE MATERIALITY OF A STRUCTURE, THE WAY IT MADE AND THE WAY IT'S GRAFTED IS NOT ONLY A GREAT EXAMPLE OF THE TIME, BUT IT'S A GREAT LEGACY FOR THE FUTURE. AND I WANTED TO JUST MAKE A AN ARGUMENT FOR BUILDING WITH LASTING MATERIALS. PROJECTS THAT WE'VE DONE ON THE UPPER LEFT-HAND SIDE OF THE SCREEN IS THE WASHINGTON STATE HISTORY MUSEUM IN WASHINGTON AND THE BRIDGE OF GLASS, ARE IN HISTORIC DISTRICTS. THAT PROJECT IN FACT WAS THE FIRST NEW PROJECT IN A NEIGHBORHOOD THAT WAS IN FAIRLY TERRIBLE SHAPE, BUT NEXT TO AN HISTORIC BUILDING, UNION STATION. AND WE CHOSE TO CAST OUR BUILDING OUT OF EVERLASTING CONCRETE. THE EXTERIOR MATERIALS COMBINE THAT WITH BRICK AND ALUMINUM. BUT THE NEAT THING ABOUT CONCRETE IS THAT ROME WAS BUILT OUT OF CONCRETE. SO WE THINK THAT FOR PROBABLY THE FRAME OF THE PROJECT THAT WE'RE PROPOSING FOR BLOCK 21, WE THINK CONCRETE IS A POTENTIAL AND VERY POETIC MATERIAL TO USE FOR THAT. THE UPPER RIGHT-HAND SIDE OF THAT SLIDE IS AN ART MUSEUM THAT WE DID AT KANSAS STATE UNIVERSITY IN MANHATTAN, KANSAS. AGAIN, IT'S A CASTING. IT'S CAST OUT OF CONCRETE. IT USES THE LOCAL STONE ON THAT PROJECT. KANSAS HAS A LOT OF LIME TONE. AUSTIN

DOES TOO. A SECOND MATERIAL THAT WE WOULD RECOMMEND OBVIOUSLY IS LIMESTONE FOR ITS -- BECAUSE IT'S HERE, FOR IT'S PROXIMITY, FOR ITS TENSILE QUALITIES AND TO BUILD UPON WHAT YOU'VE ALREADY BUILT HERE. THE FINAL PROJECT I JUST WANTED TO MENTION IS ONE THAT IS HERE IN TOWN AT ST. EDWARD'S UNIVERSITY. AND I MENTION THIS ONE IS BECAUSE WITHIN THIS PROJECT WE WERE WORKING WITHIN A FAIRLY SPECIFIC HISTORIC CONTEXT. WE WERE WORKING WITHIN THE HISTORIC CONTEXT OF FANTASTIC NICKLAUS CLAYTON BUILDINGS THAT WERE BUILT AT THE TURN OF THE CENTURY BEFORE THE LAST CENTURY. BOTH OF THEM BURNT DOWN -- ONE BURNT DOWN, BUN BLEW DOWN AND THEY WERE REBUILT WITHIN 10 YEARS OF THAT. IT WAS A FANTASTIC LEAP OF FAITH. THESE BUILDINGS ARE BUILT FOREVER. WHEN YOU WALK AROUND THEM YOU GET SUCH A FANTASTIC SENSE OF COMMITMENT NOT ONLY FROM THAT INSTITUTION, BUT AS A COMMITMENT TO THE OVERALL COMMITTEE AS WELL. WE THAT THIS THIS DEVELOPMENT CAN BE THAT KIND OF COMMITMENT, AS THE NEW CITY HALL IS. AND SO AS WE COULD NOT BUILD -- WE COULDN'T AFFORD TO BUILD WITH MASONRY THE WAY -- AND CLAYTON'S MASONRY WALKS WERE FOUR FEET BY SIX FEET. WE COULDN'T AFFORD THAT IN THIS DAY AND AGE. WE COULD AFFORD TO CAST OUR NEW HALL OUT OF CONCRETE. AGAIN, THIS IS A BUILDING THAT'S NOT MEANT TO BE THERE FOR 50 YEARS OR 100 YEARS. IT'S A BUILDING THAT'S MEANT TO BE THERE FOR 500 TO 2,000 YEARS. THAT'S OUR AT STUDY ABOUT THOUSAND TO BUILD IN DOWNTOWN AUSTIN. AND WE HAVE A FANTASTIC STARTING POINT. MOST OF THE PEOPLE I'M ADDRESSING TODAY ARE THE REASON THAT IT ALL HAPPENS. BUT I'M GOING TO HAND IT BACK TO STEVE AT THIS POINT.

Mayor Wynn: THANK YOU, MR. ANDERSON.

THANK YOU, ARTHUR. I'LL TALK TO YOU A LITTLE BIT ABOUT ECONOMIC IMPACT. I WANT TO TALK AT THE BEGINNING REALLY ABOUT WHAT OUR PROPOSAL IS FOUNDED ON, AND AS WE TRY TO DISTILL IS, WE THOUGHT THAT THERE WERE FOUR FUNDAMENTAL BELIEFS THAT WE HAD THAT IMPACTED THE DESIGN IN PARTICULAR OF THIS PROJECT. THE FIRST IS THAT WE THINK THAT THE CITY'S VISION FOR THE SECOND

STREET DISTRICT IN ITS IMPLEMENTATION OF THAT VISION IN PARTICULAR, THROUGH THE PLANNING EXERCISE AND THEN THE CREATION OF CITY HALL, WILL CREATE A UNIQUE URBAN ECONOMIC ENERGY WITHIN THIS DISTRICT. AND THAT THAT ENERGY WILL RIPPLE OUT FROM THIS DISTRICT TO OTHER PARTS OF DOWNTOWN AND NEAR DOWNTOWN. THE OTHER THING IS THAT WE THINK THAT AFTER LOOKING AT OTHER SUCCESSFUL PROJECTS AND OTHER URBAN AREAS IN OTHER CITIES THAT THE MIXTURE OF USES THAT THE CITY HAS INCORPORATED INTO THIS DISTRICT, AND IN PARTICULAR THE BALANCE OF THOSE USES IS CRITICAL TO CREATING THAT ECONOMIC ENERGY. WE ALSO BELIEVE THAT THE DEVELOPMENT OF BLOCK 21 SHOULD REFLECT THOSE SAME USES, AND IN FACT SHOULD RETAIN THAT SAME BALANCE BECAUSE WE THINK THAT'S CRITICAL TO CREATING A SUCCESSFUL DISTRICT. AND FINALLY WE THINK THAT IF WE DO THAT, IF WE BUILD BLOCK 21 THAT WAY AND MAINTAIN THOSE BALANCES THAT WE HAVE THE OPPORTUNITY TO CREATE A PREMIUM PROPERTY. AND THAT'S BOTH IN TERMS OF ITS CIVIC VALUE, BUT ALSO IN TERMS OF ITS ECONOMIC VALUE. TAKE A LITTLE BIT CLOSER LOOK AT THE DISTRICT. THESE COLORS REFLECT DIFFERENT USES. THE CSC BUILDINGS ARE OBVIOUSLY PRIMARILY OFFICE WITH RETAIL AS WELL. THE AMLI PROJECTS, PRIMARILY RESIDENTIAL WITH RETAIL ON THE GROUND FLOOR AND THEN OF COURSE WE HAVE CITY HALL. IN LOOKING AT THAT DISTRICT WE WANTED TO MAINTAIN THAT SAME -- THOSE SAME USES WITH RESPECT TO THE DEVELOPMENT OF BLOCK 21. THESE REFLECT THE NUMBERS, AND MAYBE MORE IMPORTANTLY, THE RELATIVE PERCENTAGES OF USES. WITHIN THE DISTRICT YOU'VE GOT ABOUT A THIRD OF THAT DEVOTED TO OFFICE, ABOUT 14% OF THAT TO RETAIL. OBVIOUSLY, THOUGH, THE MAJORITY OF THE GROUND FLOOR WITHIN THE DISTRICT IS ALL DEVOTED TO RETAIL. AND THEN YOU PROVIDE THE BACKBONE FOR THAT WITH THE RESIDENTIAL USES, WHICH IS SLIGHTLY OVER 50%. NOT TO BE OVERLOOKED, YOU HAVE AN IMPORTANT CIVIC COMPONENT IN CITY HALL AND ITS IMPACT ON THE DISTRICT I DON'T THINK COULD BE OVERSTATED. WHEN WE LOOKED AT OUR PROJECT, WE REALLY TRIED HARD TO MAINTAIN THAT SAME BALANCE, SO BY PROVIDING THE OFFICE USE AND THE RETAIL USE AND THE

RESIDENTIAL USE, THE MAJORITY OF THAT ON RESIDENTIAL, BUT SOME RENTAL UNIT FRANKLY TO HELP PROVIDE THAT HOUSING ALTERNATIVE IN THIS AREA, AND THEN AS ARTHUR WELL DESCRIBED IT, THE PUBLIC SPACE, AND PARTICULARLY THE PUBLIC SPACE IN ITS RELATIONSHIP TO CITY HALL. WE REALLY FELT LIKE WE HAD THE RIGHT MIX BECAUSE WE WERE MIMICKING THE MIX THAT THIS CITY COUNCIL PUT IN PLACE WHEN THEY BEGAN THE PLANNING FOR THE SECOND STREET DISTRICT. I THINK THE OTHER THING THAT THIS DOES IS CREATE THE TYPE OF ACTIVITY THAT HAS AN IMPACT ON THE REMAINDER OF THE DISTRICT AND BEYOND. WHEN YOU LOOK AT THIS BROADER LOOK, AGAIN, USING THAT SAME COLOR SCHEME, IT IS EASY TO SEE THAT WHAT HAPPENS WITHIN THE SIX-BLOCK AREA WILL HAVE A PRETTY DIRECT IMPACT IN EACH DIRECTION, BUT IN PARTICULAR TO THE WEST. AND WE WANTED TO HELP PULL DOWNTOWN, IF YOU WILL, TOWARD THE WEST AND HAVE THE ABILITY TO CREATE THAT ACTIVITY THAT IS SO ESSENTIAL FOR THE ENTIRETY OF THE DISTRICT. SO IN TERMS OF ECONOMIC IMPACT, OBVIOUSLY IT GOES BEYOND PURCHASE PRICE. AND IT SEEMS TO ME THAT IT IS MAYBE MOST IMPORTANT IN ITS OVERALL IMPACT AND ITS COMPATIBILITY WITH THE SURROUNDING USES. A COUPLE OTHER ISSUES. CULTURAL ENTITIES. AS YOU'LL NOTE, ARTHUR'S PRESENTATION DID NOT DESCRIBE IN PARTICULAR A CULTURAL ENTITY. YOU'RE GOING TO BE HEARING FROM US NEXT WEEK A LOT ABOUT CULTURAL ENTITIES TO BE, IN OUR OPINION, BETTER LOCATED, PARTICULARLY WITH KLRU AND THE TEXAS MUSIC HALL OF FAME AT THE SEAHOLM PROJECT. THE CHILDREN'S MUSEUM IS OBVIOUSLY FOCUSED AT THIS POINT ON THE MUSEUM PARK PLAZA AREA. OUR PROJECT IS FLEXIBLE ENOUGH TO ACCOMMODATE THOSE CULTURAL ENTITIES, IF THEY INDEED WOULD LIKE TO BE AT BLOCK 21 RATHER THAN AT OTHER LOCATIONS. WE ALSO HAVE THOUGHT ENVIOUSLY OF HAVING AMOA IN OUR PROJECT. IF THEY DETERMINE THEY WOULD RATHER BE IN A PROJECT OF THIS TYPE, THAN ON THEIR OWN SITE, BUT WE HAVE THE FLEXIBILITY TO DO THAT, BUT WE REALLY FEEL THAT GIVEN THE UNIQUE LOCATION THAT'S AVAILABLE AT SEAHOLM AND THE SYNERGY THAT WOULD BE CREATED THERE, THAT IT WOULD BE BETTER DONE ON THE SEAHOLM SITE. PARKING. WE ARE

CREATING MORE THAN A THOUSAND SPACES ON THIS SITE, WHICH GIVEN THIS, AGAIN, MIX OF USES, ALLOWS US SORT OF THE ULTIMATE SHARED PARKING OPPORTUNITY. AND WHAT WE ARE TRYING TO DO IS TO BUILD ENOUGH PARKING TO WHERE IT PROVIDES SUPPORT FOR THIS DISTRICT BEYOND JUST THIS PROJECT SO THAT WE HAVE SOME PARKING THAT SHOULD BE AVAILABLE AT DIFFERENT TIMES OF THE DAY AND NIGHT TO HELP WITH THE VIOLENTTY OF THE OVERALL DISTRICT -- VITALITY OF THE OVERALL DISTRICT. WOMEN-OWNED BUSINESSES AND MINORITY BUSINESSES, WE WOULD LIKE TO SUGGEST THAT WE WILL BE HAPPY TO MEET THE STANDARDS THAT THE CITY MET WITH REGARD TO CITY HALL. AND WE THINK GIVEN THAT THIS IS A PROPERTY OWNED BY THE CITY THAT THAT OUGHT TO BE A PART OF OUR PROPOSAL. IN CLOSING LET ME JUST TELL YOU SHORTHAND, I GUESS, WHY I THINK YOU SHOULD SELECT THIS TEAM, WHY YOU SHOULD SELECT THIS VISION. FIRST OF ALL, I THINK IT IS THE RIGHT MIX OF USES. AND AGAIN, I GO BACK TO THAT CRITICAL BALANCE AND THE FACT THAT WE HAVE ALL OF THOSE USES AND IN THE RIGHT BALANCE IN OUR PROPOSAL. THE SECOND THING IS I THINK WE HAVE THE RIGHT MIX OF ARCHITECTURAL PRIORITIES. WE HAVE THE TYPE OF USES THAT PRODUCE A 24 HOUR LEVEL OF ACTIVITY. WHEN YOU THINK ABOUT IN PARTICULAR THE ADDITION OF THE OFFICE USE AND WHAT THAT DOES IN A PROJECT, RATHER THAN JUST HAVING THE RETAIL ON THE GROUND FLOOR CREATING DAYTIME USE, YOU HAVE AN OFFICE USE THAT'S HELPING CREATE THAT DAYTIME ACTIVITY. AND THEN OBVIOUSLY THE SIGNIFICANT COMMITMENT TO THE RESIDENTIAL SPACE CREATES THE OPPOSITE OF THAT IN THE EVENING. WE HAVE A DENSE PROJECT AND A GREEN PROJECT. AND THOSE DO NOT NEED TO BE MUTUALLY EXCLUSIVE. WE SPENT A TREMENDOUS AMOUNT OF TIME TRYING TO REFLECT IN OUR PROJECT AUSTIN'S VALUES AND THE IMPORTANCE OF HAVING BOTH PUBLIC GREEN SPACES, BUT GREEN BUILDING PRACTICES. AND FINALLY THE USABLE PUBLIC AREAS WE THOUGHT IT WOULD BE CRIMINAL NOT TO TAKE ADVANTAGE OF THE OPPORTUNITY TO DO THAT, AND I'M EXCITED AND PROUD OF THE WAY WE HAVE DONE THAT IN A CREATIVE FASHION, SO THAT THOSE PUBLIC SPACES ARE THE MOST USABLE FOR THE PUBLIC AS WELL AS THE FOLKS WHO WILL ACTUALLY BE

OFFICING IN OR LIVING IN THE PROJECT. WHAT THIS COULD BRING AS A NEEDED AMOUNT OF DENSITY IN ALL OF THOSE AREAS TO THIS DISTRICT AND IT STRIKES THE RIGHT BALANCE. IN REGARD TO THE PARTNERS, THIS IS A VERY EXPERIENCED GROUP, THIS IS A GROUP THAT HAS WORKED TOGETHER, NOT NEW TO EACH OTHER. AND I THINK WHAT YOU HAVE IS AN EXPERIENCED TEAM, A TEAM THAT IS ABLE TO GET THE PROJECT DONE AND TO DELIVER THIS FINAL PIECE TO THE CITY OF AUSTIN'S SECOND STREET DISTRICT VISION. THANK YOU.

Mayor Wynn: COUNCIL, THAT CONCLUDES THE THREE PRESENTATIONS NOW, AND THEY ALL DID A GREAT JOB, SAYING STAYING ABOUT 30 MINUTES EACH. I WOULD LIKE TO BEGIN BY SAYING THAT THE THING I CAN SPEAK IS THE COUNCIL, WE GREATLY APPRECIATE THE TIME AND EFFORTS AND EXPENSE THAT THE THREE TEAMS HAVE GIVEN THIS VERY IMPORTANT PROJECT. THE COUNCIL HAS GONE ABOUT THIS A VERY DIFFERENT WAY. WE HAVE OFTEN TIMES MADE EVEN POLITICLY OWNED LAND USE DECISIONS IN THE PAST. WE TAKE THIS VERY, VERY SERIOUSLY. AS YOU ALL RECOGNIZE, IT HAS A VERY IMPORTANT ASPECT TO WHAT IT IS THAT WE'RE TRYING TO ACCOMPLISH ON THIS LOWER PART OF DOWNTOWN. WITH THAT I'LL OPEN IT UP TO QUESTIONS, COMMENTS. COUNCIL? COUNCILMEMBER THOMAS?

Thomas: I GUESS I'LL GO FIRST. FIRST OF ALL, I DO COMMEND EACH OF YOU ALL WITH THE PRESENTATION YOU DID. IT WAS VERY IMPRESSIVE. SOME OF THE THINGS THAT I WOULD BE LOOKING AT IS ALL DESIGNS ARE VARIABLES, VERY EXCELLENTMENT THEY WERE GOOD DESIGNS. THE MOST IMPORTANT THING IN AUSTIN, TEXAS, I THINK IS THAT COMING UP. THE DESIGN IS ONE THING THAT IS IMPRESSIVE, BUT IT'S NOT IMPORTANT I CAN SAY FOR DANNY. THE THING THAT WOULD BE MOST IMPORTANT IS WHAT ARE YOU GOING TO BRING TO AUSTIN THAT WILL BOOST THE ECONOMY, IF IT'S GOING TO GIVE JOBS TO PEOPLE THAT ARE NEEDING JOBS. AND THE OPPORTUNITY TO DO SOMETHING THAT WE'RE PUSHING HARD FOR. EVERYBODY WANTS TO COME TO AUSTIN, TEXAS AND WE WANT TO KEEP THAT ATMOSPHERE HERE IN AUSTIN, TEXAS. BUT THE JOBS IS VERY IMPORTANT ALSO. THE OPPORTUNITY FOR

EVERYBODY TO EXPERIENCE THE OPPORTUNITY OF DOWNTOWN IS VERY IMPORTANT TO ME, AND I KNOW THE REST OF OUR COUNCIL. THE DOWNTOWN DISTRICT HAS MADE IT VERY CLEAR HOW THEY WANT THINGS DONE, HOW THEY WOULD LIKE TO SEE AUSTIN LOOK. IT'S VERY IMPORTANT AND WE DO WANT AUSTIN TO STAY AS EXCITED AND ATTRACTIVE BECAUSE EVERYBODY WANTS TO COME TO AUSTIN, TEXAS. THOSE THREE THINGS THAT I'M VERY CONCERNED ABOUT IS THE JOB MARKET. WHAT ARE YOU GOING TO BRING TO AUSTIN. I DO APPRECIATE EACH ONE OF Y'ALL THAT DID THE PRESENTATIONS TODAY. RETAIL IS VERY IMPORTANT TO US ALSO. LIKE I SAID, EVERYBODY GET AN OPPORTUNITY TO LIVE IN THOSE AFFORDABLE CONNED DOUGHS OR WHATEVER -- CONDOS, THAT EVERYBODY GET AN OPPORTUNITY TO LIVE DOWNTOWN. IT'S GREAT. THAT'S IT. I DON'T HAVE ANY QUESTIONS AT THIS TIME.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? MAYOR PRO TEM.

Goodman: WE DON'T HAVE A VISUAL REPRESENTATION FROM THE FIRST TEAM DESIGN, IS THAT SO? AND I HAVE TWO-YEAR, ONE FROM TRAMMELL CROW AND STRATUS AND ONE FROM ZYDECO, BUT WE DON'T HAVE --

[INAUDIBLE - NO MIC].

THEY SAY THEY HAVE 12 BOOKLETS DELIVERED. DO WE KNOW WHERE THOSE MIGHT BE? YESTERDAY. YESTERDAY, TOMORROW. THAT'S WHY. SUE, CAN SOMEONE HELME HERE?

I'M NOT SURE WHERE THEY ARE, BUT HE'LL GET THEM DELIVERED AS SOON AS POSSIBLE.

Mayor Wynn: I'M GOING TO NEED TIME TO ABSORB THIS. THESE ARE THREE VERY EXCITING, VERY IMPRESSIVE PRESENTATIONS, AND I KNOW WHAT I'LL BE DOING LATE NIGHTS AND THE REST OF THE WEEK PROBABLY. COUNCILMEMBER MCCRACKEN.

McCracken: I HAD A QUESTION FOR THE THIRD GROUP, THE STRATUS GROUP. IN MY NOTES I HAD A QUESTION ABOUT IT.

PROBABLY MR. ANDERSON IF IT'S AVAILABLE. I THINK THERE'S THIS CONCEPT OF HAVING LIKE TWO TIERS OR THREE TIERS OF PUBLIC SPACE IN YOUR DESIGN. I CANNOT SEE IT.

THIS IS A BUILDING SECTION, THE FIRST -- THE LEVEL OF SECOND STREET IS -- ACCOMODATES THIS PLAZA, THAT CORNER. THE NEXT LEVEL IS BETWEEN THE TWO BUILDINGS AT 40 FEET UP AND PARKING GOES UP TO IT, AND THE THIRD LEVEL WAS ON TOP OF THIS BUILDING HERE, WHICH IS AN ELEVATION ON THE SECOND STREET. AND THEY ADD UP TO ABOUT 42,000 FEET IN PLANNED GREEN SPACE DOWN HERE, AND DOWN HERE.

McCracken: IS THE BOTTOM VIEW A CROSS-SECTION LOOKING FROM THE WEST TOWARD --

CITY HALL IS RIGHT HERE. DID YOU SAY THAT ALL WERE REACHABLE BY STEPS OR ESCALATORS?

IT'S A COMBINATION OF THINGS. ALSO TO GO BACK TO THE BIGGER IMAGES UP THERE, TO THE POWERPOINT, THAT'S WHAT WE'VE GOT DRAWN HERE.

McCracken: SO IT'S ALL ON THE GROUND FLOOR?

RIGHT, TO THAT SPACE. 40 FEET IS A FAIRLY LONG WAY TO GO BY STEPS. PEOPLE DO IT, BUT WE HAD SOME OPTIONS, I WOULD THINK.

McCracken: HOW MUCH IS THE GROUND FLOOR PLAZA SPACE?

IT'S EIGHT THOUSAND USABLE FEET.

McCracken: WHAT DIMENSIONS ARE WE TALKING ABOUT?

90 BY 90.

McCracken: I LIKE MY COLLEAGUES, THINK THIS IS AN INCREDIBLY DIFFICULT DECISION ON ALL THREE. I THINK THAT BASED ON WHAT WE'VE HEARD THAT THERE IS FROM A FINANCIAL STANDPOINT A LEAD HERE PROBABLY, BUT THE

DESIGN ON ALL THREE IS OUTSTANDING.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: A QUESTION FOR THE ZYDECO FOLKS. THE DISCUSSION THAT WE'VE SEEN WITH STRATUS OF THE MATERIALS THAT THEY WERE GOING TO USE. EITHER I MISSED IT OR DIDN'T SEE IT, THE CONCEPT OF WHAT THE ZYDECO BUILDING, WHAT KIND OF MATERIALS WOULD BE CONTEMPLATED IN THAT BUILDING. I KNOW JUST CONCEPTUALLY.

WE HAVEN'T REALLY DEVELOPED THAT TO THAT LEVEL YET. BUT WE IMAGINE A LOT OF GLASS ON THE GROUND FLOOR AND WRAP THE ENTIRE BASE BUILDING. AND THE WRAPPING OF THE BASE BUILDING FROM THE SECOND FLOOR TO THE FOURTH FLOOR WOULD BE WORKED ON IN CONJUNCTION WITH THE CULTURAL INSTITUTION THAT WOULD GO THERE BECAUSE IT WOULD BE INDEPENDENT OF WHAT'S HAPPENING INSIDE IN TERM OF GALLERY SPACE AND THE AMOUNT OF LIGHT THAT IS REQUIRED. WE'RE FINISHING A BUILDING RIGHT NOW WHERE WE'RE USING THIS AND WE'RE DESIGNING THOSE TOWERS TO BE A LOT OF GLASS TO TAKE ADVANTAGE OF INTERNAL VIEWS, # 60-DEGREE VIEWS, BUT THEY WOULD BE WRAPPED WITH A LOUVRE SYSTEM THAT WE'RE USING IN THIS PROJECT THAT WOULD BE USED IN THE ROOMS TO BASICALLY CREATE THE ENVIRONMENT THAT IS APPROPRIATE FOR THEM IN TERMS OF SHADING, AMOUNT OF LIGHT AND THE THE SHUTTERS CAN OPEN UP AND CLOSE. IT WOULD ALLOW THE BUILDING TO TAKE A VERY DIFFERENT CHARACTER DEPENDING ON HOW THE USERS ARE USING THOSE LOUVRES. THETHERE'S A LOT OF GLASS THAT IS COVERED WITH THE SCHEME OF THE LOUVRES THAT ARE MOVABLE.

Goodman: MAYOR? IS IT APPROPRIATE TO FOR US TO WRITE A SERIES OF QUESTIONS TO ONE OR MORE OF THE TEAMS?

WELL, OF COURSE, I THINK IT WAS ANNOUNCED THAT THE PLAN -- OF COURSE, REMEMBER THAT WE WILL HAVE A SIMILAR BRIEFING NEXT WEEK ON SEAHOLM THAT INCLUDES THESE TEAMS AND OTHERS IS THAT NOT UNLIKE HOW WE HANDLED THE WEEKLY AGENDA, THAT AS OVER THE NEXT

FEW WEEKS IF I COME UP WITH QUESTIONS SPECIFIC OR OTHERWISE, I'M GOING TO SUBMIT THEM TO SUE EDWARDS SO EFB CAN SUE MY QUESTIONS AND SHE'S GOING TO FORMULATE THEM AND ASK INDIVIDUAL TEAM MEMBERS TO REPLAY. SO WE'LL HAVE A VERY SIMILAR, VERY OPEN, AVAILABLE PROCESS BY WHICH WE ALL HAVE OUR QUESTIONS SENT TO THE PROPOSERS AND WE HAVE THE QUESTIONS AND EACH OTHER'S ANSWERS AND WE SORT OF HAVE IT AS EARLY AS MARCH TO START HAVING PUBLIC DISCUSSION ABOUT ANY POTENTIAL ACTION.

Goodman: I'LL TELL YOU MY ONE THAT CAME UP AND SO EVERYBODY HAS FAIR WARNING. PART OF THE R.F.P. WAS TO COMPLEMENT CITY HALL. SO AS I TAKE A CENTRAL VIEW OF THE PROPOSALS FOR BLOCK 21, ONLY ONE HAS WHAT I WOULD CONSIDER TO BE AN EXPECTED SORT OF DESIGN CENTERING. WHICH IS ZYDECO. THEN WE HAVE THE TWO TOWERS. BUT THE OTHER TWO TEAMS HAVE CHOSEN TO SORT OF -- I DON'T KNOW WHAT THE RIGHT WORD IS. BALANCE TO THEM, RIGHT? THEY'RE SORT OF BLOCKED. MORE TO THE RIGHT AND NOT THE PERHAPS TRADITION ALLY EXPECTED PLAZA TO PLAZA DESIGN. SO I JUST WANTED TO GET RESPONSE FROM THEM ABOUT IN WHAT WAYS THEY WERE COMPLEMENTING IN WHAT WAYS -- HOW THEY WERE THINKING THAT WAS GOOD BALANCE, WHY THAT WAS A GOOD ARCHITECTURAL BALANCE FOR THE VIEW AND FOR THE FEEL FROM OUR FRONT DOOR.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: THANK YOU, MAYOR. I GUESS MY QUESTION AND MORE IMPORTANTLY FOR STAFF AND CITY MANAGER, CITY ATTORNEY, WHOEVER WANTS TO TAKE IT, BUT I THINK AT SOME POINT WE'LL HAVE TO MAKE KNOWN TO THE PUBLIC WHAT THE PROPOSED PURCHASE PRICES ARE FROM THE THREE PROPOSERS. HOW DO YOU ENVISION THAT AND AT WHAT POINT?

I WILL NEED HELP WITH THAT QUESTION. SO DIANA OR SUE? THE QUESTION WAS WHEN IN THE POINT IN THE PRODUCE WILL THE PURCHASE PRICE OR THE FINANCES OF THE PROPOSAL TO BE PUBLIC.

I THINK AS WE GET CLOSER AND WHERE THE COUNCIL IS HEADED, WE WILL GET TO THE POINT WHERE WE WILL BE TO THE POINT WHERE EITHER YOU HAVE COME TO MAYBE JUST TWO OR ONE AND THEN AT THAT POINT. BUT A DECISION WILL BE MADE FURTHER ALONG. ARE WE GOING TO SHORT LIST SOME MORE OR ARE WE GOING TO GO AHEAD AND MAKE A DECISION ON ONE IN ABOUT TWO OR THREE WEEKS.

Slusher: LET ME INTERRUPT. WOULD THERE BE ANY LEGAL REASON WHY WE WOULD TAKE DOWN TWO OR THREE BEFORE WE WOULD RELEASE THE PURCHASE PRICE?

NO. IT'S ALL PART OF THE NEGOTIATION.

> IN THE MECHANICS OF PUBLISHING THAT INFORMATION WOULD BE THE SAME MECHANICS THAT WE HAVE FOR ALL OF OUR AGENDA ITEMS. WE WILL PUBLISH THE AGENDA ITEM AND THE BACKUP FOR THAT ITEM AND THE BACKUP WILL BE THE PURCHASE PRICE.

Futrell: WILL THE PUBLIC KNOW THE PURCHASE PRICES OR WILL THAT BE HELD IN TERMS OF NEGOTIATING NEGOTIATING CONCERNS AND PRICE? DO I HAVE THAT RIGHT?

Slusher: YES, THAT'S CORRECT, CITY MANAGER.

Futrell: THE STAFF IS TELLING ME THAT THEIR RECOMMENDATION IS THAT YOU HOLD ON THE PUBLIC PRICE OF THE THREE BECAUSE OF YOUR NEGOTIATING ABILITY, BUT YOU HAVE HEARD THERE'S NOT A LEGAL ISSUE IF YOU CHOOSE TO DO IT DIFFERENTLY. AND WE CAN TALK ABOUT THAT SOME MORE IF YOU'D LIKE IN AN UPCOMING EXECUTIVE SESSION.

Slusher: OKAY. AND DOES THAT CONFIRM WITH YOUR UNDERSTANDING, MR. CITY ATTORNEY, OR DO YOU NOT WANT TO SAY RIGHT NOW?

I THINK THAT'S SOMETHING APPROPRIATE TO DISCUSS IN EXECUTIVE SESSION.

Slusher: OKAY. ALL RIGHT. Y'ALL STOP ME IF THE NEXT

QUESTION I ASK WOULD BE BETTER DISCUSSED THERE, BUT I THINK NOT. I WANTED TO ASK THE THREE PROPOSERS THAT -- IN THEIR PROPOSALS TO US OR IF IT MADE THOSE HAPPEN OR THEY ANTICIPATE THAT THEY WOULD BE ASKING ANY INCENTIVES FROM THE CITY OR ANY FEE WAIVERS FROM THE CITY?

SUE, WHY DON'T YOU TAKE THAT.

LET'S GO IN THE ORDER THAT WE HAD THE PRESENTERS.

Mayor Wynn: MR. BOWEN, MR. YANTZE AND MR. ARMSTRONG.

FOR OUR R.F.P. SUBMITTAL TO YOU WE HAVE A PRICE OF \$9.2 MILLION. IF THERE IS A CULTURAL ENTITY INVOLVED WE ARE ASKING THAT THE CULTURAL ENTITY PAY A COST ALLOCATION FOR THEIR SPACE. AND PER THE R.F.P., IF THERE IS A CULTURAL ENTITY INVOLVED, THAT WE COULD ASK FOR SOME CITY INCENTIVES, THOSE BEING THINGS LIKE SMART GROWTH, IF AVAILABLE TO US, OTHERWISE OUR OFFER IS \$9.2 MILLION.

Slusher: SIR, I DIDN'T HEAR THE LAST PART ABOUT -- WHERE YOU SAID IF THERE'S NOT A CULTURAL ENTITY INVOLVED, I DIDN'T UNDERSTAND THE PART AFTER THAT.

IF THERE'S NOT A CULTURAL ENTITY INVOLVED, WE WOULD HAVE TO REPLACE THAT CULTURAL ENTITY FROM OUR PLAN. WE WOULD BE LOOKING TO REPLACE THAT CULTURAL ENTITY WITH AN ENTERTAINMENT RETAIL AS WE SHOWED YOU IN OUR PRESENTATION, FOR EXAMPLE, WE SHOWED YOU AN ART HOUSE THEATER AND THE THEATER WOULD THEN HAVE TO TAKE THE LOAD FOR THE CULTURAL -- WHERE THE CULTURAL ENTITY WAS ORIGINALLY SLATED TO GO.

Slusher: SO YOU WOULD REQUIRE THEN SOME INCENTIVES FOR THE CULTURAL ENTITY?

NO. IF THE CULTURAL ENTITY CANNOT FUND THEIR ENTIRE COST ALLOCATION, THEN THEY WOULD BE LOOKING TO THE CITY.

Slusher: OKAY. SO THE CULTURAL ENTITY MIGHT HAVE TO COME TO THE CITY IF THEY COULDN'T PAY WHAT YOU WOULD BE EXPECTING TO GET FROM THAT SPACE? IS THAT A FAIR WAY OF FRIESING IT?

THAT'S CORRECT.

Slusher: AND IF IT'S NOT A CULTURAL ENTITY, AN ART THEATER, YOU'RE SAYING BASICALLY THE SAME THING FOR THEM?

CORRECT. BUT THE OFFER WOULD STILL BE THE \$9.2 MILLION.

Slusher: OTHERWISE YOU WOULDN'T BE EXPECTING ANY FEE WAIVERS OR OTHER CITY INCENTIVES?

PER THE R.F.P. I THINK IT EXCLUDES US FROM SEEKING OTHER INCENTIVES IF THERE IS NOT A CULTURAL ENTITY INVOLVED.

Futrell: AND COUNCILMEMBER, I THINK WE JUST HAD A BIT OF A PROBLEM BECAUSE IN THE COURSE OF ANSWERING YOUR QUESTION, YOU DID JUST GET A PURCHASE PRICE.

Slusher: YEAH, BUT IT WAS RIGHT OFF THE TOP THERE. [LAUGHTER]

Futrell: SO MORETY, WOULD YOU LIKE TO -- MORTY, WOULD YOU LIKE TO GIVE US SOME AICE AT THIS POINT?

AT THAT POINT THAT PIECE OF INFORMATION IS NO LONGER PROPRIETARY. [LAUGHTER]

Futrell: YOU KNOW, IRONICALLY I HAD THAT INFORMATION. I GUESS WHAT I'M ASKING YOU, MARTY, IS -- [LAUGHTER] YOU KNOW, THE JAIL HOUSE LAWYER IN ME HAD THAT ONE. [LAUGHTER] WHAT I'M ASKING YOU IS WE NOW HAVE TWO OTHER PROPOSALS, AND WHAT IS NOW THE FAIR AND APPROPRIATE THING TO DO NOW THAT WE'RE AT THIS POINT?

IF THEY CHOOSE TO REVEAL THAT INFORMATION, THEY CAN

BOTH COME FORWARD AND CHOOSE TO REVEAL THAT INFORMATION OR THEY CAN GIVE THEIR INCENTIVES WITHOUT -- THAT IS TRUETTLY CORRECT. -- ABSOLUTELY CORRECT.

Slusher: CAN WE HAVE 30 SECONDS TO HUDDLE ON THAT?

WE'RE NOT SEEKING ANY INCENTIVES WHATSOEVER. I THINK THAT WE PROBABLY TO THE EXTENT THAT SOME INTERACTION WITH THE AUSTIN MUSEUM OF ART OCCURS, I DO THINK WE WOULD BE ASKING THE CITY TO HELP US MAKE THEIR LOT AS MARKETABLE AS POSSIBLE AND WE CAN ENSURE ON THE SALE AND GET AS MUCH MONEY AS WE COULD ON THE SALE OF THE LOT. WE MIGHT LOOK FOR SOMETHING IN THAT NATURE, WHICH AGAIN IS SOMETHING I DON'T THINK THE CITY WOULD HAVE A PROBLEM WITH BECAUSE WE WOULD PROBABLY BE TIED TO THE CITY HAVING CONTROL OVER THE FUTURE DEVELOPMENT OF THAT LOT. WE'LL PAY A DOLLAR MORE IF THAT'S WHAT YOU NEED. [LAUGHTER]

OURS IS \$15 MILLION, NO INCENTIVES.

Mayor Wynn: THANK YOU, ALL. FURTHER COMMENTS, QUESTIONS? PERHAPS IF MS. EDWARDS OR MS. HUFFMAN COULD WALK US THROUGH AGAIN WHAT --

Alvarez: I HAVE A QUESTION.

Mayor Wynn: AFTER COUNCILMEMBER ALVAREZ'S QUESTION. IF THEY COULD WALK US THROUGH THE PROCESS BY WHICH WE AS COUNCIL CAN SHARE OUR QUESTIONS AND ANSWERED WITH OWN ANOTHER AND ULTIMATELY HAVE JUST A BETTER, MORE EFFECTIVE PROCESS. BUT COUNCILMEMBER ALVAREZ FIRST.

Alvarez: AND I MAY HAVE MISSED IT, BUT I BELIEVE ON THE PROPOSAL FROM STRATUS, BUT I THINK THE ENDEAVOR GROUP OR TEAM REFERENCED THAT THEY'VE BEEN WORKING WITH THE TEXAS MUSIC HALL OF FAME AND THE ZYDECO GROUP MENTIONED AMOA. AND I BELIEVE THAT'S THE ONLY SORT OF NONPROFIT ENTITY THAT THEY'VE MENTIONED. YOU CAN CORRECT ME IF I'M WRONG. BUT I

DIDN'T RECALL ANY SPECIFIC ENTITY MENTIONED BY THE STRATUS TEAM, SO I DON'T KNOW IF YOU WOULD LIKE TO SPEAK TO THAT OR IF IT'S KIND OF AN OPEN ISSUE. BUT IF YOU'RE ABLE TO RESPOND TO THAT. THAT, I'D APPRECIATE IT.

Futrell: WOULD YOU LIKE THE STRATUS TEAM TO RESPOND THAT THAT, COUNCILMEMBER?

Alvarez: IF THEY'RE ABLE TO.

COUNCILMEMBER, OUR PROPOSAL FOR BLOCK 21 WOULD ACCOMMODATE AMOA. IN PARTICULAR IF THEY CHANGE THEIR MIND IN TERMS OF THEIR LOCATION, AGAIN, YOU WILL HEAR FROM US NEXT WEEK IN TERMS OF LOCATING KLRU AND THE TEXAS MUSIC HALL OF FAME ON THE SEAHOLM SITE.

ONE THING. WHILE AMOA IS REALLY OUR CHOICE OF PREFERENCE, WE DID MAKE A PRESENTATION TO TEXAS HALL OF FAME. THEY'RE VERY INTERESTED IN OUR PROJECT AS WELL. WE WERE NOT TRYING TO EXCLUDE THEM. WE THINK THAT AMOA WOULD BE A BETTER FIT.

Mayor Wynn: THANK YOU.

Alvarez: THANK Y'ALL.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I DID WANT TO LEARN MORE ABOUT THE POTENTIAL FLEXIBILITY OF DESIGN FROM ALL THREE BECAUSE I KNOW THAT BOTH MAYOR WYNN AND MAYOR PRO TEM GOODMAN HAVE ADVOCATED THAT THERE SHOULD BE IN SORT OF PUBLIC PLAZA TYPE OF AREA, AND AT THE SAME TIME I THINK THAT THE -- THE PLAZA, THE SECOND ONE, ZYDECO, IS REALLY OUTSTANDING AND INSPIRED, ALTHOUGH I THINK THE BUILDING ITSELF IS PROBABLY NOT AS INSPIRE AKING AS THE FIRST AND THIRD PROPOSALS. I WOULD BE INTERESTED TO KNOW WHAT IN TERMS OF THE BUILDING FOR ZYDECO AND THE POTENTIAL PUBLIC SPACES FOR THE AMLI AND THE STRATUS PROPOSALS, WHAT POSSIBILITIES EXIST THERE FOR THAT

SPACE. I GUESS WE TAKE IT IN ORDER?

YES. THE PLAZA SPACE THAT WE HAVE SET ASIDE IN OUR PROPOSAL DOES EXPAND THE STREET SCAPE FROM WHAT IT IS OUTLINED UNDER THE GUIDELINES FOR SECOND STREET. AS YOU KNOW, THAT CALLS FOR A CONTINUOUS STREET EDGE RIGHT OUT TO THE PROPERTY LINE. WE FELT IT WAS IMPORTANT TO BREAK THAT AND EXPAND THAT. IN TERMS OF THE OVERALL DESIGN, THERE IS SOME FLEXIBILITY CERTAINLY, IF THAT'S THE COUNCIL'S PREFERENCE TO EXPAND THAT SPACE. I THINK WE CONTINUALLY FOCUS AS WELL ON THE QUALITY OF THAT SPACE AND THE RETAIL SPACE AND THE SUCCESS OF THE ENTIRE DISTRICT, THAT WE DON'T THINK SHOULD BE OVERLY COMPROMISED FROM DOING THAT. I WILL ALSO SAY ON THE TOWER ITSELF, THERE IS A LOT OF FLEXIBILITY THAT WE'RE GOING TO PROCEED ON WITH FEASIBILITY STUDIES, AND THAT MAY APPLY AS WELL. I THINK IN OUR ORIGINAL SUBMISSION ON THE PROPOSAL, IT SPOKE TO POSSIBLE HOTEL USES AS WELL IN THAT TOWER. OUR DEVELOPMENT TEAM MEMBER IS ALSO FIRST AND FOREMOST A RESORT HOTEL DEVELOPER. PROJECTS LIKE THIS AND WITH HIGH END RESIDENTIAL PROJECTS LIKE THIS OFTEN ATTRACT BOUTIQUE HOTEL COMPONENTS TO BE A PART OF THAT. WE ARE LOOKING AT THAT SAME PROGRAM ON SOME SITES IN DALLAS. SO AS TIME GOES, IF WE ARE SELECTED AND IF THE HOTEL OPPORTUNITY IS THERE, THEN THAT MAY ALSO BE SOMETHING THAT COMES TO PLAY AS WE FURTHER DEVELOP THAT SITE.

YOUR QUESTION WAS MORE ABOUT THE BUILDINGS?

McCracken: YEAH. THE PLAZA PORTION IS VERY INSPIRED AND THERE'S A QUESTION ABOUT THE BUILDING. WE HAVE A HEAVY RESPONSIBILITY KNOWING THAT THE STRUCTURE WILL BE HERE FOR A LONG TIME AND THEY REALLY DO NEED TO COMPLICATE CITY HALL AND THIS DISTRICT.

ABSOLUTELY. THAT'S WHAT WE ARE TRYING TO SHOW IS THE MOOD THAT COMPLEMENTS THE CITY HALL IS MORE ABOUT HOW IT FITS IN THE SPACE, AND THAT'S WHAT WE'RE TRYING TO CONVEY HERE. WE'RE NOT TALKING ABOUT THE FACADE OF THE BUILDING YET BECAUSE IT PREMATURE IN

OUR OPINION. SO YOU PROBABLY ARE REACTING MORE TO THE FACT THAT WE WERE ENDERING ELEVATIONS OF THE SCHEME AND WE DIDN'T BRING ONE. WE DID IT ON PURPOSE. WHAT WE'RE TRYING DO HERE IS CREATE A BASE BUILDING THAT THE CULTURAL INSTITUTION WILL HAVE A SAY INTO HOW IT'S EVENTUALLY DEVELOPED AND HOW THAT SENSE OF IDENTITY IS REFLECTED IN THAT BASE BUILDING. SO FOR US TO ASSUME HOW THAT MATERIAL WOULD BE OR WHAT THE FACADE WOULD BE IS PREMATUREMENT WE DON'T KNOW ENOUGH YET. SO WHAT WE'RE TRYING TO SAY IS THAT THE CRITICAL THING IS THAT THAT SPACE RELATES TO CONSTITUENT HALL AND THAT'S WHAT WE'RE TRYING TO DO. THE SHAPE OF IT AND THE WAY IT FUNNELS ENERGY TO THE FRONT IS THE SCHEME. WHAT IT IS IS SOMETHING THAT WE CAN WORK OUT. IT WOULD BE WONDERFUL TO HAVE THE TEXAS MUSIC HALL OF FAME, BUT IT WOULD BE DIFFERENT FROM THE AUSTIN MUSEUM OF ART. SO WE DON'T WANT TO JUMP INTO WHAT IT COULD BE. WHAT I CAN GUARANTEE YOU IS IT WILL BE BEAUTIFUL, THERE'S NO QUESTION ABOUT IT. AND THE TOWER IS A LITTLE BIT OF THE SAME THING. WHAT WE ARE TRYING TO CREATE IS A SENSE OF BALANCE THAT THE DISTRICT HAS. THERE'S CSC, THE CITY HALL. WE NEED TO CREATE THE BACKDROP AND WE NEED THE BALANCE OF THOSE TOWERS. RIGHT NOW WE HAVEN'T DEVELOPED IT BECAUSE WE AGAIN NEED TO SIT DOWN AND TALK ABOUT WHAT ARE THE EXPECTED THINGS FROM THE MARKET POINT OF VIEW AND WE HAVE A CONCEPT THAT IS RELATED TO THE WHOLE AND THE ABILITY THAT WE SHOULD HAVE IN EVERY BUILDING TO CONTROL THE ENVIRONMENT AROUND IT. SO THE WEST SIDE WOULD BE DIFFERENT FROM THE EAST AND SOUTH BECAUSE THEY WILL BE FACING DIFFERENT ORIENTATION. SO WHAT WE WERE RESPONDING TO BEFORE IS BASICALLY GOING TO BE THE TEAM THAT WOULD ALLOW FOR THAT BUILDING TO HAVE A SCHEME THAT WOULD BE RELATED TO THE ORIENTATION THAT IT HAS AND TO THE USES TA THA IT HAS INSIDE. IT'S A CONCEPT. WE COULDN'T HAVE BROUGHT A PHOTOGRAPH THE BUILDING. WE DIDN'T -- WE WANT TO BRING SOMETHING THAT WILL MAKE IT LOOK MORPHINED THAN IT SHOULD BE AT THIS STAGE.

McCracken: LET ME ASK. IS THE CONCEPT OF THE TWO

TOWERS DRIVEN IN PART BY THE PROPOSAL THAT, ONE, IT WOULD BE OCCUPIED BY THE HOTEL? IS THAT A LIMITATION FROM THE POINT OF VIEW OF THE USER THAT WOULD HAVE TO DRIVE THE DESIGN?

NO. WE'VE TALKED A LOT ABOUT THE WAY THAT THIS WILL PLAY OUT DIFFERENTLY. AT SOME POINT THEY WERE TALKING ABOUT THE FACT THAT MAYBE THE CONDOS OCCUPY ONLY A TOP FLOOR OF BOTH TOWERS AND THE LOWER PART IS PART OF THE HOTEL. SO AGAIN WHAT THEY'RE -- ONE IS FULLY FOR THE HOTEL AND ONE IS FULLY FOR THE CONDOS IS WHAT WE DON'T KNOW YET. WE HAVE HAD CONVERSATIONS THAT WE COULD EVENTUALLY MEAN THAT THERE'S A DIFFERENT CONSIDERATION IN TERMS OF WHAT GOES IN EACH TOWER. BUT THE CONCEPT IS STILL THE SAME. THOSE TWO TOWERS SHOULD BE BALANCING IN THAT SPACE AND SHOULD BE BALANCING THE DISTRICT. IT'S A SENSE OF THESE BLOCKS, THE ONE THAT BASICALLY MAKES EVERYTHING FEEL ANCHORED AROUND THE SPACE. NOT ONLY FROM FAR AWAY, BUT FROM THE PLAZA POINT OF VIEW.

McCracken: THANK YOU. MR. ANDERSON?

I THINK I STILL UNDERSTAND THE QUESTION.

McCracken: Y'ALL HAVE PRESENTED A VERY INTRIGUING PUBLIC SPACE PROPOSAL. I WAS TRYING TO GET A SENSE OF IT. I THINK WHAT THE MAYOR PRO TEM AND THE MAYOR PREVIOUSLY HAVE SPOKEN TO ABOUT THE GROUND FLOOR PLAZA WAS AN IMPORTANT CONCEPT. I'M REALLY INTERESTED IN THAT --

NOT JUST THE NUMBERS, BUT I WILL START WITH THAT. THE GROUND FLOOR PUBLIC SPACE IS ABOUT 8,000 8,000 FEET INSIDE THE SIDEWALKS. OUR GROUND FLOOR RETAIL COMPONENT OF THIS DEVELOPMENT IS CURRENTLY 50,00050,000 FEET. AND I UNDERSTAND THAT THE REQUIREMENT WAS 40. SO WE ACTUALLY EXCEED THAT BY 10,000 FEET. THE SPACE UP HERE, THE RAISED PUBLIC SPACE IS A 20,000 SQUARE FOOT OUT THROOR SPACE. IT'S A -- OUTDOOR SPACE. IT'S A LARGE SPACE. WHAT BECOMES A KIND OF CHESS GAME AND WHAT BECOMES THE INTRIGUING

STRATEGIC GAME IS HOW THIS PIECE IN FRONT, THE LOWER PIECE, SAME HEIGHT AS CITY HALL, IS MANIPULATED AND WHAT GOES IN IT. CURRENTLY IT'S MULTI-FAMILY APARTMENTS. IF A CULTURAL ENTITY WANTED TO BE IN THAT SPACE, THAT WOULD BE VERY APPROPRIATE, AND IT'S WITHIN THE BUILDING VOLUME RIGHT NOW AND IT ACTUALLY ADDS UP TO 100,000 SQUARE FEET, WHICH IS MORE SQUARE FEET THAN ANY CULTURAL ENTITY THAT WE'VE SPOKEN WITH. SO MAYBE IT'S ONE, MAYBE IT'S TWO. IF THAT WERE THE CASE, THE PARKING REQUIREMENTS CHANGE FOR THAT AND THE -- THIS IS CURRENTLY A 15 STORY BUILDING AND COULD GET A LITTLE BIT TALLER AND STILL MAXIMIZE THE NATURAL PARKING REQUIREMENTS FOR IT BY PUTTING THE MULTI-FAMILY OVER THERE. THE THING WE DISCOVERED IN DOING THIS AND THAT WE'RE ENTHUSIASTIC ABOUT IT FROM A NATURAL LIGHT AND AIR AND FROM A LOAN STANDPOINT IS WE CAN CREATE THESE PUBLIC SPACES WITHIN THE BLOCK AND STILL HAVE A DEVELOPMENT THAT'S 500,000 SQUARE FEET. HOW THAT GETS DIVIDED AND WITH WHOM BECOMES VERY EXCITING THEN.

McCracken: I THINK FOR ALL THREE WHAT MIGHT BE HELPFUL TO US AS A COUNCIL -- I KNOW THESE ARE ALL HIGHLY ORIGINAL DESIGNS, BUT THAT THERE BE SOME OPPORTUNITY TO SEE REPRESENTATIVE, SIMILAR TYPES OF BUILDINGS THAT HAVE BEEN BUILT ELSEWHERE. I THINK THAT WOULD HELP US CONCEPTUALIZE. IT IS DIFFICULT TO UNDERSTAND. THAT IS SO ORIGINAL ABOUT THE PLAZA THAT I CAN'T RELATE IT --

I CAN TELL YOU WHERE WE STOLE IT FROM. [LAUGHTER]
[ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

> IT NOT AS BAROQUE AS THE SPANISH STEPS. ACTUALLY MAKES A TRANSITION WITHIN A BLOCK OF NEARLY 75 FEET. WHAT'S INTERESTING ABOUT IT IS HOW WITHIN THAT VERTICAL TRANSITION, RETAIL AND THIS HAS HAPPENED WITH THE SPANISH STEPS AS WELL, RETAIL HAS -- HAS MANIFEST ITSELF ALL ALONG THE EDGE. IT'S NOT A LOST EDGE. NOT SOME KIND OF STRANGE UNKNOWN SPACE. INTERESTING THING ABOUT SITING THIS ONE IN THIS DIRECTION, YOU CAN DO IT TO TAKE ADVANTAGE OF

NATURAL SUNLIGHT.

WELL, I THINK FOR LIKE I SAY, FOR -- LIKE PHOTOS TO LOOK AT, YOU KNOW, THAT ARE SIMILAR TO ALL THREE DESIGNS, I THINK THAT WOULD BE VERY HELPFUL FOR US. ALSO, I WILL SAY IN LIGHT OF WHAT COUNCILMEMBER THOMAS SAID, TOO, I THINK THE CAT IS OUT OF THE BAG NOW ON THE FINANCIALS OF THIS, THERE IS A CLEAR FINANCIAL LEADER. WHEN YOU HAVE THREE OUTSTANDING PROJECTS, I DO THINK THAT WE HAVE TO REALLY PAY ATTENTION TO THE FINANCIALS OF THIS. AND MAKING THE DECISION OF WHAT'S THE BEST INTEREST IN THE COMMUNITY. SO I MEAN I THINK WE ARE FORTUNATE TO HAVE THREE OUTSTANDING DESIGNS, BUT THE FINANCIALS, BECAUSE OF THAT, ARE GOING TO BE, YOU KNOW, EVEN THAT MUCH MORE IMPORTANT.

Mayor Wynn: ANY FURTHER COMMENTS, QUESTIONS? I THINK WE HAVE OUR MARCHING ORDERS ABOUT A PROCESS WHEREBY WE CAN SUBMIT QUESTIONS, COMMENTS, THROUGH SUE EDWARDS DEPARTMENT, HELP THEM GET JOINT FEEDBACK SIMULTANEOUSLY.

Slusher: I HAD ONE MORE THING. I DID WANT TO THANK ALL THREE FOR THEIR PUTTING INTO THIS. I THINK THEY ARE ALL VERY GOOD PROPOSALS. I WANTED TO NOTE, THE CITY ATTORNEY CONFIRMED THIS, THAT AS MUCH AS WE LIKE TO VISIT WITH EVERYBODY, THE ANTI-LOBBYING -- LOBBYING PROHIBITION IS STILL IN EFFECT EVEN THOUGH WE'VE HAD THE PRESENTATIONS.

THAT'S ABSOLUTELY CORRECT.

Mayor Wynn: TAKES ALL OF THE FUN OUT OF IT [LAUGHTER]

LAURA, DID YOU WANT TO GO OVER A TIME LINE MAYBE JUST AS A WAY TO WRAP UP.

NEXT WEEK, MAYOR AND COUNCIL, YOU WILL HAVE THE PRESENTATIONS FOR THE QUALIFIED PROPOSALERS ON SEAHOLM. PROPOSALERS. AS WE MOVE THROUGH THIS PROCESS, ANY QUESTIONS THAT YOU HAVE WILL COLLECT CENTRALLY THROUGH SUE EDWARDS, WE WILL MAKE SURE

THAT YOU HAVE A MASTER COPY. FOLLOWING THE SEAHOLM PRESENTATIONS WE WILL BE READY TO POST ON THE NEXT AGENDA, WHICH I BELIEVE WILL BE MARCH 3rd. OR IF YOU NEED ADDITIONAL TIME WE CAN WAIT UNTIL A MEETING THEREAFTER.

THANK YOU, MS. HUFFMAN. I BET WE NEED MORE TIME, BUT THAT'S JUST ME, THANKS. COUNCIL, AGAIN THANK YOU ALL VERY MUCH. THIS IS -- AS SEVERAL COUNCILMEMBERS SAID, WE ALL AGREE, A VERY IMPORTANT AND EXCITING DECISION, INTAME DATING AT THE SAME TIME. WE APPRECIATE YOUR TIME, EFFORT AND THOUGHT. COUNCIL, THAT DEFECTS US UNDER OTHER 4:00 TIME CERTAIN FOR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. PERHAPS WE WILL GIVE A COUPLE OF MINUTES FOR THE ROOM TO CLEAR. FOLKS CAN TAKE THEIR CONVERSATIONS OUT IN THE FOYER. THE LOBBY OR OUTSIDE. FOLKS, IF YOU ALL CAN TAKE YOUR CONVERSATIONS OUTSIDE, WE APPRECIATE IT. ENJOY THAT NICE PLAZA WE CREATED. WELCOME, MS. GLASGO,.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBER, I'M ALICE GLASGO DIRECTOR OF THE NEIGHBOR ZONING AND PLANNING DEPARTMENT. OUR ZONING CASES FOR TODAY ARE AS FOLLOWS, I WILL START OFF WITH THOSE ITEMS WHERE YOU HAVE CLOSED THE PUBLIC HEARINGS AND WE ARE OFFERING THE CASES FOR SECOND AND THIRD READINGS FOR YOU TO APPROVE AN ORDINANCE. ITEM NO. 30, C14-03-125, THE WAGNER TRACT, LOCATED AT 13801 THROUGH 14,409 NORTH I-35. THE APPLICANT IS REQUESTING A POSTPONEMENT TO MARCH THE 24th. THE APPLICANT HAS BEEN NEGOTIATING WITH TEXDOT ON DRAINAGE EASEMENT DEDICATIONS, WHICH ARE STILL UNDERGOING REVIEW AND THEY STILL NEED ADDITIONAL TIME TO KEEP WORKING ON THAT. ITEM NO. 31, C14-04-71, LOCATED AT 8423 STATE HIGHWAY 71 WEST. THE PROPERTY OWNER IS REQUESTING A POSTPONEMENT TO MARCH THE 3rd. THIS IS THE APPLICANT'S FIRST REQUEST AND WE RECOMMEND THE POSTPONEMENT. THE APPLICANT WISHES TO CONTINUE NEGOTIATING WITH ADD JOINING PROPERTY OWNERS. MAYOR, THAT CONCLUDES THE ITEMS THAT ARE UNDER THIS SEGMENT OF OUR AGENDA.

THANK YOU, SO COUNCIL WE HAVE TWO POSTPONEMENT REQUESTS, ITEM NO. 30 POSTPONED TO MARCH 24th, 2005. AND ITEM 33, POSTPONED TO MARCH 3rd, 2005. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ. SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE CONSENT AGENDA POSTPONEMENTS AS READ. ALL IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

Glasgo: THAT TAKES US TO OUR EXHIBIT NO. 4 PUBLIC HEARING ITEMS WHERE YOU ARE HEARING THE CASES FOR THE FIRST TIME, WE WILL START OFF WITH ITEM NO. DISEEM 1, C14-04-203 TWIN LIQUORS, LOCATED AT 9300 SOUTH I-35 SOUTHBOUND. THE PLIGHT'S REQUEST IS FROM GR CO WHICH STANCE FOR COMMUNITY COMMERCIAL CONDITIONAL OVERLAY, THE APPLICANT IS SEEKING CS-1 WHICH STANDS FOR COMMERCIAL LIQUOR SALES FOR A LIQUOR STORE. THE ZONING AND PLATTING COMMISSION RECOMMENDS THIS CASE AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-3, [SIC] C14-04-169 THE VORTEX, LOCATED AT 2206 MAPLE AVENUE, THE APPLICANT IS SEEKING A CONTAINING FROM C.S.-MU-CO-NP WHICH STANDS FOR GENERAL COMMERCIAL SERVICES MIXED USE CONDITIONAL OVERLAY, WITH A NEIGHBORHOOD PLAN COMBINING DISTRICT. TO CS 1 MICKED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN, THIS IS TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES ON SITE. THE REQUEST HAS BEEN RECOMMENDED BY THE PLANNING COMMISSION AND THE CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-3 WILL BE A DISCUSSION. ITEM NO. Z-4 SO YOU HAVE SO YOU HAVE 140, THE ZILKER NEIGHBORHOOD ASSOCIATION IS REQUESTING A POSTPONEMENT FOR THIS CASE TO MARCH THE 3rd. THIS IS THE NEIGHBORHOOD'S FIRST REQUEST. ITEM NO. Z-5 WILL BE A DISCUSSION. WE HAVE A VALID PETITION ON THIS CASE. Z-6 IS DISCUSSION AND MAYOR THAT CONCLUDES THE CONSENT ITEMS UNDER THIS SEGMENT OF OUR AGENDA.

THANK YOU, COUNCIL, THE CONSENT AGENDA FOR THESE ZONING CASES WILL BE ITEM Z-1 APPROVE ON ALL THREE

READINGS,ZY 2 ALL 3 READINGS, Z-4 FOR POSTPONEMENT TO MARCH 3rd, 2005. I WILL ENTERTAIN A MOTION.

SO MOVE.

MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLY TO CLOSE THESE PUBLIC HEARINGS. APPROVED CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THAT TAKES US TO Z-3, C14-04-189 SUPERIOR SERVICE COMPANY. THIS CASE IS LOCATED AT 2020 WEST HOWARD LANE. THE APPLICANT IT'S CREAKING A CHANGE FROM GR, COMMUNITY COMMERCIAL, THE APPLICANT'S INITIAL REQUEST WAS TO L.I., ESTIMATED INDUSTRIAL WHICH STAFF RECOMMENDS, HOWEVER AT THE ZONING ZONINGS HEARING THE COMMISSION RECOMMENDED C.S. WHICH STAND FOR GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY. HOWEVER THE APPLICANT AGREED TO THE COMMISSION'S RECOMMENDATION; HOWEVER SINCE THEN HE HAS REALIZED THAT THE EXISTING BUSINESS ENCROACHES INTO THE SETBACK AND THEREFORE NEEDS THE L.I. ZONING AS RECOMMEND BY STAFF. I WILL PAUSE HERE AND LET THE APPLICANT EXPLAIN HIS DILEMMA AND THEN I'LL RESPOND TO QUESTIONS THEREAFTER.

Mayor Wynn: THANK YOU, COUNCIL FOR THE RECORD NO CITIZENS SIGNED UP IN FAVOR OR AGAINST, SO THIS WILL BE A NON-CONTESTED PUBLIC HEARING. HEARING,.

MY NAME IS DAVID HOSPITAL, I'M REPRESENTING SUPERIOR SERVICE COMPANY LOCATED AT 2020 WEST HOWARD LANE. I'M HERE TO REQUEST ZONING FROM GR LIMITED INDUSTRIAL -- TO L.I., LIMITED INDUSTRIAL SERVICES. THE PROPERTY IS .69 ACRES LOCATED AT THE INTERSECTION OF HOWARD LANE AND AVENUE N. PROPERTY WAS PLOTTED NOVEMBER OF 1946, LOT 1, KINGSVILLE LARGE SUBDIVISION, IT WAS RECORDED IN THE TRAVIS COUNTY PLAT RECORDS. A 2,400 SQUARE FOOT STRUCTURE WAS INSTRUCTED IN THE

LOT IN 1970 REPRESENTED BY THAT RED PORTION OF THE PLAN IN FRONT OF YOU. AT THAT TIME, ADDITIONAL RIGHT-OF-WAY WAS DEDICATED FROM TRAVIS COUNTY LOT 1 KING'S VILLAGE. THE RIGHT-OF-WAY DEDICATION IS RECORDED IN THE TRAVIS COUNTY DEED RECORDS. SEVERAL YEARS LATER, THE PROPERTY WAS ANNEXED TO THE CITY OF AUSTIN AND ZONED COMMUNITY COMMERCIAL, GR. THE PROPERTY HAD SEVERAL USES OVER THE PAST 34 YEARS. THE CORNER OPENER IS USING IT AS A REFRIGERATION SERVICE COMPANY, WHICH IS NOT PERMITTED IN A GR ZONING DISTRICT. THEREFORE SUPERIOR SERVICE COMPANY IS REQUESTING ZONE TO L.I. L.I. ZONING IS PERSPECTIVE LEAPT ON -- PREVALENT ON ADJACENT TRACTS OF LAND AND WOULD BE COMPATIBLE AND CONSISTENT WITH SURROUNDING LAND USES, EXISTING L.I. TO THE NORTH, WEST AND A MIXTURE OF C.S., GR, L.I. TO THE NORTH, EAST, SOUTHEAST. L.I. WOULD ALLOW IF A FAIR AND REASONABLE USE OF THIS SITE. L.I. ZONING IS APPROPRIATE FOR THIS LOCATION BECAUSE OF THE COMMERCIAL INDUSTRIAL CHARACTER OF THE AREA. THE MAIN REASON MY CLIENT NEEDS L.I. ZONING IS OPPOSED TO C.S. IS THE L.I. ZONING DISTRICT DOES NOT HAVE FRONT OR STREET SIDE YARD BUILDING SETBACKS. BY ZONING THE PROPERTY TO L.I., IT WOULD MEET CURRENT LAND USE AND SITE DEVELOPMENT REQUIREMENT TO THE CITY OF AUSTIN LAND DEVELOPMENT CODE. C.S. ZONING WILL NOT WORK FOR BUILDING SETBACKS SINCE THERE'S AN EXISTING BUILDING ON THE PROPERTY AND N THE LAND DEVELOPMENT CODE, SITE DEVELOPMENT STANDARDS REQUIRE A 10-FOOT FRONT AND A 10-FOOT STREET SIDE BUILDING SETBACK. C.S. ZONING WOULD NOT FIT THE DEVELOPMENT STANDARDS FOR THE EXISTING BUILDING ON THE SITE. THEREFORE, I REQUEST L.I. ZONING AS OPPOSED TO THE C.S. THAT I DISTRICT ATTORNEYED TO AT -- THAT I AGREED TO AT ZONING AND PLATTING COMMISSION BECAUSE AT THE TIME I DIDN'T HAVE THE DEVELOPMENT STANDARDS IN FRONT OF ME TELLING ME THAT THERE WERE -- C.S. MEETS ZONING AS FAR AS LAND USE BUT IT DOESN'T MEET THE DEVELOPMENT STANDARDS FOR THE SETBACKS. AND IF I COULD STEP FORWARD. THE BUILDING IS IN RED, GREEN WOULD BE A 10-FOOT SET BACK. WHICH THE BUILDING WOULDN'T WORK.

WOULDN'T MEET THE ZONING DISTRICT STANDARDS. HERE, C.S. -- ZONING, FRONT YARD SETBACK IS 10, STREET SIDE IS 10, L.I. DON'T HAVE A FRONT YARD OR STREET SIDE YARD SETBACK. I THINK THAT CONCLUDES MY PRESENTATION UNLESS YOU HAVE QUESTIONS OF ME. IF YOU WOULD LIKE TO SEE --

WE WILL V -- I THINK WE CAN SEE WELL FROM HERE, THANK YOU, SIR. QUESTIONS, COMMENTS, COUNCIL?

MAYOR, NOT ABOUT THIS PER SE. DO WE HAVE A SIGN ON THE DOOR THAT SAYS TURN YOUR CELL PHONES OFF?

Mayor Wynn: I BET WE CAN -- WE DO.

Goodman: MAYBE WE SHOULD PUT THAT IN NEON.

Mayor Wynn: MAYBE A SIGN THAT SAYS PLEASE READ THE SIGN. ACTUALLY I HAVE A QUESTION FOR STAFF. MS. GLASGO, SO STAFF IS IN CONCURRENCE, IN AGREEMENT THAT L.I. IS APPROPRIATE.

YES, THE STAFF RECOMMENDATION IS FOR L.I. ZONING AND WHEN YOU LOOK AT THE MAP, SURROUNDING AREA, IT'S NOT INCONSISTENT, YOU HAVE L.I. NEXT DOOR, THE AREA IS PREDOMINANT ZONED, A GOOD CHUNK IS ZONED L.I., IT'S NOT INAPPROPRIATE AT ALL. IT'S JUST THAT THE COMMISSION NOT HAVING KNOWN THE -- THE DILEMMAS REGARDING THE EXISTING DEVELOPMENT, I'M SURE IF THEY HAD KNOWN THAT THEY WOULD HAVE MOST LIKELY GONE WITH L.I. ZONING BECAUSE IT'S APPROPRIATE FOR THE LOCATION.

SO TECHNICALLY WHEN THIS CASE WENT BEFORE THE ZONING AND PLATTING COMMISSION, STAFF WAS PROBABLY RECOMMENDING C.S. BECAUSE THAT WAS THE -- THAT WAS THE REQUEST, CORRECT?

WE WERE RECOMMENDING L.I.

Mayor Wynn: BEFORE THE OPENER EVEN KNEW TECHNICALLY L.I. WAS NEEDED IN ORDER TO MEET THE SETBACKS AND

SORT OF SITE DEVELOPMENT STANDARDS FOR THIS USE.

HIS ORIGINAL REQUEST WAS L.I. O. HIS APPLICATION HE ASKED FOR L.I. -- [BEEPING]

IT'S NOT ME. [LAUGHTER]

THE DISTRICT'S REQUEST WAS L.I. THE PLANNING COMMISSION SUBPOENAED THAT THE MINIMUM ZONING THAT HE NEEDED FOR THE USE WAS C.S. THAT DISBIEDED THEIR DECISION, HOWEVER THEY DID NOT REALIZE THAT WAS IN CONFLICT WITH THE EXISTING SETH BACKS.

> THANK YOU. SETH BACKS. THANK YOU, SETBACKS. COMMENTS, QUESTIONS, COUNCIL? IF NOT I'LL ENTERTAIN A MOTION TO ONE CLOSE THE PUBLIC HEARING AND CONSIDER ACTION.

Slusher: I MOVE TO CLOSE THE PUBLIC HEARING AND MOVE APPROVAL OF THE L.I.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER MCCRACKEN TO CLOSE THE PUBLIC HEARING AND APPROVE THIS CASE L.I., FOR ALL THREE READ SNOONGS THAT WOULD BE L.I.-CO, A TRIP GENERATION LIMITATION WOULD BE ON FIRST READING ONLY. L.I.-CO ON FIRST READING ONLY.

Slusher: STAFF RECOMMENDATION AND WHAT THE GENTLEMAN IS REQUESTING IS THE SAME, THE L.I. AND THE CO?

Glasgo: YES, THAT IS THE SAME.

Slusher: THEN I WOULD MOVE THE STAFF RECOMMENDATION.

Mayor Wynn: FIRST READING ONLY, SECOND ON THE TABLE. STAFF RECOMMENDATION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. FIRST

READING ONLY.

THANK YOU.

THANK YOU. L.I.

Glasgo: OUR NEXT DISCUSSION ITEM IS ITEM NO. Z-5, I UNDERSTAND THERE ARE 15 SPEAKERS SIGNED UP FOR THAT ITEM, ON Z-6, WHICH IS THE FOLLOWING DISCUSSION ITEM HAS TWO PEOPLE SIGNED UP TO SPEAK. JUST THOUGHT THAT I WOULD SHARE THAT WITH YOU SO -- HELP US --

Mayor Wynn: GOOD POINT. SO COUNCIL WITHOUT OBJECTION, LET'S TAKE UP ITEM NO. Z-6, ZONING CASE Z-6.

Glasgo: OKAY.

MAYOR AND COUNCILMEMBERS, ITEM NO. Z-6 IS C14-04-204 NORTHEAST CORNER OF I-35 SOUTH. THIS IS THE BRANDT ROAD CASE ASSOCIATED WITH ITEM NO. 6 ON YOUR AGENDA WHICH -- FOR WHICH YOU POSTPONED THE ANNEXATION TO THE 17th OF THIS MONTH. THE CASE IS TO GRANT GR ZONING, THE EXISTING ZONING IS INTERIM GR. THE RECOMMENDATION FROM THE ZONING AND PLATTING COMMISSION IS GR-CO FOR TRACT 1 AND GR-CO FOR TRACT 2. BEV A MAP THAT WE HAVE SHOWN YOU. THE -- THE COMMISSION AND THE STAFF HAVE A SIMILAR RECOMMENDATION EXCEPT THAT THE CONFIGURATION OF THE TRACTS IS DIFFERENT. THAT'S WHAT I JUST WANTED TO POINT OUT. THE DIFFERENCE BETWEEN THE COMMISSION RECOMMENDATION AND THAT OF STAFF. WE HAVE HANDED YOU A MAP THAT SHOWS YOU SIDE BY SIDE WHAT THE COMMISSION RECOMMENDATION IS AND THAT OF THE STAFF. JUST SIMPLY THE CONFIGURATION OF TRACTS 1 AND 2 ARE SLIGHTLY DIFFERENT. THE STAFF RECOMMENDATION FOR GR ZONING ON TRACT 1 FOLLOWS A LIEN THAT IS PARALLEL TO THE LINE THAT IS SOUTH OF THE -- OF BRANDT ROAD AND THEN RECOMMENDS GR ZONING TO THE [INDISCERNIBLE] TRACT 2. THE PLANNING COMMISSION RECOMMENDATION HAS GR ZONING TAKING A SLIGHTLY DIFFERENT CONFIGURATION, THAT'S WHAT WE ARE SHOWING YOU ON THE MAP IN FRONT OF YOU. THE MAP

LOOKS LIKE THIS ONE THAT I'M HOLDING. THAT'S THE MAIN DISTINCTION. I WILL PAUSE HERE AND RESPOND TO QUESTIONS AFTER YOU HEAR FROM THE SPEAKERS.

Dunkerly: OUR STAFF PRESENTATION OF THE DISCUSSIONS WHAT HAVE BEEN ONGOING BETWEEN THE TWO PARTIES BEFORE WE HAVE THE DIFFERENT PARTIES COME UP.

Glasgo: OKAY.

MAYOR AND COUNCIL WHAT I WOULD LIKE TO DO IS TAKE JUST A COUPLE OF MINUTES AND TALK TO YOU ABOUT THE AGREEMENTS THAT HAVE BEEN REACHED BETWEEN THE NEIGHBORS AND THE STATE AND THE TOOLS THAT WE WILL HAVE TO USE IN ORDER TO IMPLEMENT THESE AGREEMENTS. SO FIRST LET ME TALK ABOUT THE TOOLS. THIS WILL BE A COMBINATION OF A CONDITIONAL OVERLAY, RESTRICTIVE COVENANTS AND SITE PLANNING, WHAT I WOULD LIKE TO DO IS WALK THROUGH EACH OF THOSE TOOLS AND TALK TO YOU ABOUT HOW THE AGREEMENTS WILL BE CAPTURED IN THOSE TOOLS. WHAT THE CONDITIONAL OVERLAY WILL ALLOW YOU TO DO IS ESTABLISH PROHIBITED USES. THOSE USES ARE DROP OFF RECYCLING COLLECTION, HOTEL MOTEL, OUTDOOR SPORTS AND RECREATION, CONGREGATE LIVING, EXTERMINATING SERVICES OUTDOOR ENTERTAINMENT, PAWN SHOP SERVICES AND RESIDENTIAL TREATMENT. THOSE WILL BE CAPTURED DURING THE ZONING AS A CONDITIONAL OVERLAY. THEN THERE ARE SEVERAL PAGES OF RESTRICTIVE COVENANTS THAT WILL BE CAPTURED AND I'LL GO THROUGH THEM BY CATEGORY. IN SIGHT ACCESS, THERE'S AN AGREEMENT TO RESTRICT LEFT TURNS ON TO BRANDT ROAD, WHICH IS THE NEIGHBORHOOD INTEREST OF KEEPING TRAFFIC OUT OF THE NEIGHBORHOOD. BY POLICY AGREED THERE WILL BE NO TESTING DRIVING ON BRANDT ROAD. THAT THERE WILL BE ADEQUATE PARKING FOR EMPLOYEES AND VISITORS ON SITE. AND THE COMPANY HAS AGREED THOUGH THE TO OPPOSE THE NEIGHBORHOOD PETITION TO ELIMINATE PARKING ON BRANDT ROAD. WE MOVE THEN TO LANDSCAPING AND BUFFERING. IN THE RESTRICTIVE COVENANT WE WILL CAPTURE THE FWREMENT THIS A LANDSCAPE PLAN WILL BE DEVELOPED USING MAKE IT ACTIVE PLANTS AND MATERIALS. THE LANDSCAPE PLAN

WILL BE REVIEWED BY THE HOMEOWNERS ASSOCIATION. 25-FOOT BUFFER WITH A FOUR FOOT BERM WITH AN EVER GREEN VEGETATIVE BUFFER. DURING SITE PLANNING THAT THE TREE REPLACEMENT WILL INCLUDE CLASS 1 OR EXISTING TREE LOCATION AND THAT THE SITE PLAN WILL COMPLY WITH ALL OF THE CITY OF AUSTIN LANDSCAPE CRITERIA. WITH SIGNS THE AGREEMENT IS THAT ALL SIGNS WILL COMPLY WITH THE CITY OF AUSTIN'S SIGN ORDINANCE FOR THE I-35 CORRIDOR. ON LIGHTING HAS PROVIDED A PHOTO METRIC STUDY FOR THE SITE SHOWING MAXIMUM, MINIMUM AND AVERAGE FOOT CANDLES FOR THE SITE. THAT HAS BEEN PROVIDED. LIGHTS ALONG THE PERIMETER SHALL BE FULLY SHIELDED FIXTURES INSTALLED TO MANUFACTURING SPECS. THERE WILL NOT BE SCATTERED LIGHT BEYOND THE PROPERTY LINE. SEARCH LIGHTS WILL NOT BE ALLOWED. THERE WILL NO SPILLOVER LIGHTING BEYOND THE PROPERTY LINE AND I WILL LUMBER NATION LEVELS AS MEASURE UNDERSTAND FOOT CAN BELLS WILL BE 18.3 DURING BUSINESS HOURS, 8.17 AFTER CLOSING FOR TWO HOURS AND 3.87 AT NIGHT. OTHER SITE AND BUILDING REQUIREMENTS INCLUDE THE BUILDING PLACEMENT WILL INCLUDE SERVICE TO THE NORTH OF THE PROPERTY, THE WATER QUALITY POND WILL BE LOCATED IN THE SOUTHEAST CORNER, ALL STORM AND WATER QUALITY PONDS WILL BE EARTH OR STACKED ROCK CONSTRUCTION. THERE WILL BE NO VERTICAL CONCRETE WALLS, EXCEPT IN A SPLITTER BOX. THE CONSTRUCTION WILL BE, THIS IS IN QUOTES, LUXURY DEALERSHIP TO BE USED ON THE BUILDING. THE FACADE ON THE SOUTH WILL BE MASONRY OR SCREENED WITH LANDSCAPING IF IT ISN'T MASONRY. GREEN BUILDING BEEN THE BUDGET CONSTRAINTS. NO EXTERIOR SPEAKERS OR SOUND DEVICE OTHER THAN SECURITY DEVICES. OUTDOOR LIVE MUSIC WILL CONFORM WITH CITY'S SOUND ORDINANCE. ALL VENDING MACHINES LOCATED INDOORS, IN ON SITE AUTO BODY REPAIRS HA SHALL BE ACCESSORY USE ONLY. [INDISCERNIBLE] UNDERGROUND, HOURS OF OPERATION WILL CONFORM TO STATE LAW. THEN THE FINAL LIST HERE, VEHICLE FUELING SHALL BE PERFORMED OFF-SITE. ALL TRASH DUMPSTERS WILL BE LOCATED ON THE NORTH END OF THE PROPERTY. AND WILL NOT BE SERVICED BETWEEN 10:00 P.M. AND 6:00 A.M. NO RUBBISH OR DEBRIS OF ANY KIND SHALL BE PLACED OR ALLOWED TO

ACCUMULATE ON ANY PORTION OF THE PROPERTY AND NO ODOR TO RENDER OF PROPERTY UNSANITARY, UNSIGHTLY OR OFFENSIVE. ALL REFUSE, GARBAGE, TRASH KEPT THIS COVERED CONTAINERS WITHIN AN ENCLOSED STRUCTURE OR SCREENED FROM VIEW. ALL MECHANICAL SOLID WASTE AND UTILITY RELATED EQUIPMENT WILL BE SCREENED ALSO FROM PUBLIC VIEW. LOADING DOCKS AND INDUSTRIAL ACTIVITY AREAS SHALL ONLY BE LOCATED ON THE NORTH AND EAST END OF THE BUILDING. COUNCIL, THAT REPRESENTS ALL OF THE AGREEMENTS THAT WILL BE CAPTURED EITHER IN A CONDITIONAL OVERLAY, A RESTRICTIVE COVENANT OR HANDLED DURING SITE PLANNING. THANK YOU, QUESTIONS, COMMENTS? COUNCILMEMBER DUNKERLY?

Dunkerly: THIS REALLY HAS BEEN A COMPLEX ISSUE. REALLY NOT ALL PARTIES AGREE ABOUT HOW TO BEST EFFECT ALL OF THESE RESTRICTIONS, I WOULD LIKE TO ASK THE CITY ATTORNEY IF SHE COULD GIVE US SOME IDEA OF HOW THIS COULD BE DONE. WE DO HAVE STATE REPRESENTATIVES HERE. THEY UNDERSTAND AND UNDERSTAND THE NEED FOR THAT NEIGHBORHOOD TO BE PROTECTED. THEY UNDERSTAND THE NEED FOR US TO GET THE RESTRICTIONS IN PLACE. AND THEY HAVE AGREED TO WORK WITH US IN CASE THIS PARTICULARLY TRANS ACTION DOESN'T GO THROUGH TO MAKE SURE THAT THE PROPERTY IS REZONE RR SO THAT THE NEIGHBORHOOD WILL HAVE AN OPPORTUNITY TO START ALL OVER AGAIN WITH THE STATE AND WORK THROUGH THOSE ISSUES. SO PERHAPS MARTY CAN DO THE TECHNICAL PART OF THAT.

YES, THANK YOU, COUNCILMEMBER. NORMALLY, AS THE COUNCIL IS AWARE, WE TRY TO GET RESTRICTIVE COVENANTS EXECUTED PRIOR TO THIRD READING. THERE IS A REAL CONCERN, AS I UNDERSTAND IT FROM THE STATE, THAT THEY -- WHAT THEY WOULD PREFER TO DO, WHAT THEY ORIGINALLY ASKED NOT TO DO IS NOT TO HAVE THE RESTRICTIVE COVENANTS EXECUTED PRIOR TO THIRD READING. WHAT WE HAVE MANAGED TO DO IS DISCUSS WITH THE STATE GOING ON AHEAD AND HAVING THOSE RESTRICTIVE COVENANTS EXECUTED AND THEN BEING HELD IN ESCROW PENDING THE CLOSING ON THE PROPERTY. AND WHAT THAT DOES IS THAT THAT -- THAT

TAKES THE RESTRICTIVE COVENANT, PUTS IT IN ESCROW, AND IF THE CLOSING DOESN'T GO THROUGH, THEN WE HAVE THE OPPORTUNITY AS COUNCILMEMBER DUNKERLY SAID, TO COME BACK AND LOOK AT THE PROPERTY AGAIN AND -- AND REZONE IT TO -- TO RURAL RESIDENTIAL AND SO THAT THIS PROCESS, THE NEXT TIME THE STATE FIND ANOTHER BUYER FOR THE PROPERTY, WE CAN BEGIN THE PROCESS AGAIN, DEPENDING ON WHO THAT BUYER IS AND THE STATE THIS MORNING INDICATED THAT THEY WOULD BE AMENABLE TO DOING THAT.

Mayor Wynn: THANK YOU, MS. TERRY. SO -- BUT MS. TERRY, YOUR ADVICE WOULD BE FOR US TO GO AHEAD AND TECHNICALLY CONDUCT THE PUBLIC HEARING.

YES. THAT'S THE SECOND PIECE. WHAT WE WOULD RECOMMEND IS TO GO AHEAD AND CONDUCT THE PUBLIC HEARING, CLOSE THE PUBLIC HEARING AND THAT WOULD GIVE US AN OPPORTUNITY TO CONTINUE WORKING WITH THE RESTRICTIVE COVENANT AND DOING THE FINAL TWEAKING THAT NEEDS TO TAKE PLACE BETWEEN MOW AND THIRD READING. -- AND WHAT -- THAT -- WHAT THAT ALSO DOES IS THAT BRINGS THE ZONING BACK AT THE SAME TIME -- WELL, AFTER YOU HAVE -- YOU HAVE FORMERLY ANNEXED IT. SO IT GIVES US TIME TO -- TO CONTINUE TO WORK ON THE RESTRICTIVE COVENANT, CONTINUE TO TWEAK IT IN ACCORDANCE WITH THE AGREEMENT OF THE PARTIES. TO FINE TUNE THAT, BRING THAT BACK TO YOU WITH THE ZONING AFTER THE ANNEXATION HAS TAKEN PLACE.

ONE OTHER COMMENTS, THE NEIGHBORHOOD WOULD PREFER TO DO THE RESTRICTIONS SLIGHTLY DIFFERENTLY WITH A CONDITIONAL USE ON THE AUTOMOBILE USES. THE STATE IS MORE COMFORTABLE GIVING THE NEIGHBORHOOD PROTECTION, WORKING WITH US AND -- AND THIS OTHER WAY, SO.

WE HAVE AND HE HEAR FROM THE NEIGHBORHOODS, OWNERS, EVEN FROM THE STATE, SO THAT THEY CAN REITERATE THEIR -- THAT I HAVE SAID, PRESENTED THEIR POSITION PROPERLY. I WOULD LIKE TO HAVE THEM CERTAINLY CONFIRM THAT. SO ...

Mayor Wynn: THANK YOU, COUNCILMEMBER. SO OBVIOUSLY WE CAN'T ZONE A PIECE OF PROPERTY THAT HASN'T BEEN ANNEXED YET, BUT WE CAN CONDUCT THIS PUBLIC HEARING.

YES, SIR, YOU CAN DO THAT. AND NOT TAKE ACTION.

MR. HUGLEWY WELCOME, APPRECIATE YOUR PATIENCE.

THANK YOU, MAYOR, COUNCILMEMBERS, I AM STANDING FORWARD TO CONFIRM THE WAY IT'S BEEN LAID OUT BY COUNCILMEMBER DUNKERLY AND MS. TERRY. THE STATE IS IN FAVOR OF THE CONDITIONAL OVERLAY COMBINED WITH THE RESTRICTIVE COVENANTS. WE AGREE WITH THE PROTESTERS FOR THAT TIED TO THE CLOSING OF THE PROPERTY. THAT GIVES US THE OPPORTUNITY TO -- TO REVISIT THE ISSUE AS A BRAND NEW ISSUE IN THE EVENT THAT THERE'S NOT A CLOSING. AND WE CERTAINLY DO PREFER THAT APPROACH TO THE CONDITIONAL USE.

ALL RIGHT.

BE GLAD TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

ONE QUESTION.

Dunkerly: YOU SPOKE WITH ME PRIVATELY IF THIS PARTICULAR TRANSACTION FAILS FOR SOME REASON, THAT YOU WOULD IN FACT GO BACK AND REMARK IT AND JUST SORT OF START OVER FROM SCRATCH WITH THE NEIGHBORHOOD AND NOT GO DIRECTLY TO THAT HORRIBLE REVIEW BOARD PROCESS. I THINK THAT YOU WANTED TO WORK WITH THE NEIGHBORHOOD FIRST; IS THAT TRUE?

WE WOULD CERTAINLY WORK WITH THE NEIGHBORHOOD FIRST, BUT I DON'T WANT TO FOREGO THE OPTION OF GOING TO BOARD OF REVIEW.

Dunkerly: IT WOULD NOT GO STRAIGHT THERE IS WHAT I AM SAYING.

WELL, WE COULD. THE POSSIBILITY EXISTS THAT IF THIS

DOES NOT CLOSE, THAT THIS IS A FAIRLY GOOD TEST OF WHERE THE MARKET MIGHT BE UNDER ANY CIRCUMSTANCE AND THAT IF WE TOOK IT OUT FOR BID, WE WOULDN'T WANT TO DO THAT AND NOT RECEIVE BIDS BASED ON THE HISTORY THAT'S OCCURRED.

Dunkerly: MAY AND I A DIFFERENT QUESTION?

YES.

Dunkerly: WILL YOU AGREE TO COOPERATE WITH US IN THE REZONING TO RURAL RESIDENTIAL IF THIS DEAL FALLS THROUGH.

ABSOLUTELY, NO PROBLEM THERE. THE ROLLBACK IS NOT A PROBLEM. IT GIVES EVERYBODY A NEW LEVEL PLAYING FIELD TO START FROM. THAT MAY NOT BE CONSIDERED TOTALLY LEVEL. BUT WE WOULD BE WILLING TO ALLOW IT TO ROLL BACK TO THE RR FOR -- FOR -- TO ANYTHING -- IF ANYTHING ELSE OCCURRED BEFORE WE REMARKET IT.

MS. TERRY, WE COULD AS A COUNCIL DIRECT THE STAFF TO IMMEDIATELY COME BACK WITH AN RR REZONING AT THE POINT THAT THE TRANSACTION HAS FAILED.

MY RECOMMENDATION TO YOU IS THAT IF THERE'S A MOTION COMING FORWARD, WHEN YOU -- WHEN YOU GET TO THAT -- THAT -- TO TAKE ACTION ON THE ZONING, I WOULD RECOMMEND THAT YOU INCLUDE INSTRUCTIONS IN THAT MOTION THAT IN THE EVENT THAT THE CLOSING DOES NOT HAPPEN, THAT STAFF IS INSTRUCTED TO -- TO INITIATE A ZONING CASE, TO RURAL RESIDENTIAL. THAT WAY THE INSTRUCTIONS ARE CLEAR. WE DON'T HAVE -- WE DON'T HAVE TO GO, TO COME BACK AND POST THIS AGAIN ON THE AGENDA TO RECEIVE THAT INSTRUCTION. WE WILL HAVE THAT INSTRUCTION.

Dunkerly: I WANT TO SAY AGAIN, WE UNDERSTAND OUR RELATIONSHIP WITH THE STATE. I'M SURE JUST LIKE YOU UNDERSTAND, YOUR RELATIONSHIP WITH THE FEDERAL GOVERNMENT. BUT DIE APPRECIATE YOUR EFFORTS AND TRYING TO COME UP WITH SOME EVIDENCE THAT WE CAN BE ASSURED THAT AT LEAST THE RESTRICTIONS THAT HAS

AGREED TO WILL GET CLUE UNDERSTAND THAT OVERLAY IN THE TRANSACTION GOES THROUGH, I REALLY APPRECIATE THAT. I WOULD LIKE TO THANK YOU, AND LET THIS MOVE FORWARD AS A LOCAL ISSUE RATHER THAN A STATE ISSUE. HOPEFULLY THAT'S WHERE WE WILL END UP AFTER TODAY ON THAT PATH. SO THANK YOU VERY MUCH.

THANK YOU, WITH THAT, COUNCIL, LET'S CONDUCT OR PUBLIC HEARING. , technically I guess the City of Austin is our applicant. Without objection we can consider Mrs. Huffman's present outside outside THEN WE HAVE FOLKS WHO ARE IN OPPOSITION, ALTHOUGH THIS IS A SLIGHTLY DIFFERENT ISSUE. BUT TAKE IT I WILL CALL FOLKS -- AT THIS TIME I WILL CALL FOLKS WISHING TO SPEAK, IN THE ORDER THAT THEY SIGNED UP. SO ACTUALLY WE'RE GOING TO START WITH -- MR. RICHARD SUTTLE HERE? WELCOME, MR. SUTTLE. YOU WILL HAVE THREE MINUTES. I AM BE FOLLOWED BY JAMES MCNABB.

MY NAME IS RICHARD SUTTLE, I'M HERE ON BEHALF OF FORD LINCOLN MERCURY. THEY PUT THIS PROPERTY UNDER CONTRACT WITH THE STATE BACK WHEN IT WAS NOT SUBJECT TO ANNEX PROCESS. IT'S 32 ACRES, FRONTS ON I-35, COUNCIL THE STREET FROM EQUIPMENT -- DOWN THE STREET FROM EQUIPMENT REPAIR AND VARIOUS DOUBT ORIENTED BUSINESSES. IT WAS DEEMED TO BE AN APPROPRIATE SITE FOR A CAR DEALERSHIP SINCE THERE ARE MULTIPLE CAR DEALERSHIPS UP AND DOWN I-35. THE HISTORY, ANNEXATION STARTED AND THE ZONING PROCESS STARTED, WE ARE HERE TODAY HAPPY THAT AT LEAST SOME SEMBLANCE OF AN AGREEMENT HAS BEEN WORKED OUT. THE ITEMS THAT MS. HUFFMAN READ OFF ARE BASICALLY READ FROM A DOCUMENT ENTITLED BRANDT ROAD TERMS AND CONDITIONS WHICH TECHNICALLY WOULD BE THE BASIS FOR THE RESTRICTIVE COVENANT THAT FORD WILL BE WORKING FROM ONCE WE GET A COPY OF IT FROM THE CITY. ONCE THAT DOCUMENT IS REVIEWED BY BOTH THE STATE AND FORD LINCOLN MERCURY, I'M SURE WE WILL GET THOSE WORDS RIGHT AND THEN I THINK THAT THIS CASE CAN MOVE FORWARD. THERE'S ONE TECHNICAL ISSUE THAT THE PLANNING COMMISSION, OR ZAP CO THREW IT, THEY LIMITED THE ISSUE TO ONE DRIVEWAY ON BRANDT. THERE ARE TWO PROPERTIES OWNERS ON BRANDT,

THOUGH. THERE WILL BE THE FORD LINCOLN MERCURY TRACT, THEN THE STATE WILL RETAIN A TRANGT. AS LONG AS FORD GETS THE ONE DRIVEWAY WE ARE OKAY, I WOULD NOT WANT THE SITUATION WHERE FORD OPENS THEIR DRIVEWAY AND IF THE STATE EVER CHOOSES TO DO A DRIVEWAY EXTRA HAVE THE SITUATION WHERE SOMEBODY COMES BACK AND SAID LINCOLN MERCURY HAS TO CLOSE THEIRS. THE STAFF RECOMMENDED TWO DRIVEWAY LIMITS ON BRANDT AND IF WE COULD BACK TO THE STAFF RECOMMENDATION ON THAT PART, I THINK THAT WOULD CLEAR THAT AND WE WOULD NEVER HAVE THAT -- THAT UNCERTAINTY. OTHER THAN THAT, WE ARE IN FAVOR OF THE ZONING AS PROPOSED WITH THE TERMS AND CONDITIONS THERE AS READ BY MS. HUFFMAN AND WE LOOK FORWARD TO GETTING THE RESTRICTIVE COVENANT DRAFTS SO THAT WE CAN REVIEW IT AND -- HOPEFULLY GET THIS ZONING CASE DONE. I WILL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE BOTH ON FORD LINCOLN MERCURY, THE PROCESS OR THE ZONING.

THANK YOU, MR. SUTTLE. MR. JOHN MCNABB. FOLLOWED BY RON THROWER.

MAYOR, EXCUSE ME, I'M TERRY [INDISCERNIBLE] THE ATTORNEY REPRESENT KNOWLEDGE THE NEIGHBORHOOD ASSOCIATION. WE HAD A COMPUTER GLITCH SIGNING UP. THERE'S ACTUALLY SIX SPEAKERS FOR THE NEIGHBORHOOD AND THEN AS THE ATTORNEY I WOULD LIKE TO RESERVE COMMENTS AT THE END IF THAT WOULD BE OKAY.

Mayor Wynn: THAT'S FINE. PERHAPS MS. BROWN CAN HELP YOU ON THE SIGN-IN FOR THE RECORD. I SEE SIX OR SEVEN ALREADY SIGNED IN FROM THE NEIGHBORHOOD.

OKAY. DARREL LIEN LUKE WOULD LIKE TO BE THE FIRST ONE IN THAT'S ALL RIGHT. DARLENE.

Mayor Wynn: SURE. MS. LUKE, WELCOME, FOLLOWED BY RON THEORY, FOLLOWED BY -- RON THROWER, FOLLOWED BY BARRETT ALISON.

THANK YOU, MAYOR. ON BEHALF OF MAYOR AND COUNCILMEMBERS, ON BEHALF OF THE HOMEOWNERS AT

PARK SIDE AT SLAUGHTER CREEK, I WANT TO THANK YOU, CITY COUNCIL FOR YOUR TIME ON THIS ISSUE. WE WANT TO THANK EACH OF THE AIDE THAT'S MET WITH US NUMERALROUS TIMES AND HELPED IN SCHEDULING MEETINGS WITH ALL OF THE COUNCILMEMBERS. ESPECIALLY THANK COUNCILWOMAN DUNKERLY WITH HER CONTINUED EFFORTS AND DILIGENCE WITH ALL PARTIES AND MEETINGS WITH THE NEIGHBORHOOD GROUPS. WE WANT TO THANK THE STAFF FOR THEIR EFFORTS AND TEN NASTY WITH THIS ISSUE AND THE MANY ELEMENTS INVOLVED. WE WANT TO THANK LAURA HUFFMAN AND HER STAFF FOR HER GUIDANCE AND EFFORTS ON THIS ISSUE. WE WANT TO THANK THE ZAP CO COMMISSIONERS FOR THEIR TIME AND DETAILED REVIEW AND FOR THE OVERLAYS RECOMMENDED BY THE COMMISSION. THE Z.A.P. CO STAFF FOR THEIR WORK ON THIS STAFF AND THEIR ASSISTANCE TO THE COMMISSIONS. WE WOULD LIKE TO THANK MR. SUTTLE FOR HIS EFFORTS IN WORKING WITH HIS CLIENT, FORD MOTOR COMPANY, IN ADDING THE NEIGHBORHOOD CONCERNS. SO MANY PEOPLE HAVE PERSISTED WITH THIS ISSUE AND WE WANT TO OFFER OUR SINCERE THANKS FOR EVERYONE'S ARDUOUS WORK ON THIS CASE. ON BEHALF OF THE 120 HOMEOWNERS AND 100,000 -- THE THOUSAND SIGNERS OF THE PETITION THAT ALL CAME TO THIS LAST HEARING WEARING ALL OF THESE T-SHIRTS WE URGE YOU NOT TO APPROVE THIS WITHOUT ADEQUATE NEIGHBORHOOD PROTECTIONS THAT YOU WOULD REQUIRE IF THE STATE DIDN'T HAVE A GUN TO YOUR HEAD. THROW US INTO BRIER PATCH AND SEND US TO THE STATE ZONING BOARD. ZONE IT IRR OR MAKE AUTO SALES A CONDITIONAL USE TO GIFFORD OPTIONS TO GO TO THE STATE BOARD OR THROUGH Z.A.P. CO-FOR ITS ZONING. WE THANK YOU SO MUCH FOR YOUR TIME AND JERRY MCCULLOUGH DID SPEAK UP RIGHT AFTER ME, SPEAKING ON BEHALF OF THE ONION CREEK HOA. WELCOME, SIR, IF YOU CAN STATE YOUR NAME FOR THE RECORD, YOU WILL HAVE THREE MINUTES.

I'M JERRY McCULLLY, VICE-PRESIDENT OF THE ONION CREEK NEIGHBORHOOD ASSOCIATION. I WOULD LIKE TO ECHO THE THANK YOUS, PARTICULARLY TO COUNCILMEMBER DUNKERLY WHOSE EFFORTS TO RESOLVE THESE ISSUES HAVE BEEN EXCEPTIONAL. THE ONION CREEK HOA WOULD

ALSO LIKE TO PUBLICLY THANK THE 20 PLUS VOLUNTEERS WHO BRAVED THE ELEMENTS DURING OUR PETITION DRIVE. THE MORE THAN 1,000 PEOPLE WHO SIGNED THE PETITION AND THE YELLOW T-SHIRT BRIGADE THAT DARLENE ALLUDED TO AT THE DECEMBER 3rd COUNCIL MEETING. IT SHOULD BE OBVIOUS BY NOW THAT OUR HOME OBEYERS ASSOCIATION SHRO -- HOME OWNER ASSOCIATION IS VERY INTERESTED IN MAINTAINING HIGH STANDARDS IN THE SOUTH AUSTIN JURY AS THE I-35 CORRIDOR CONTINUES TO DEVELOP. WHEN WE WERE ANNEXED IN JANUARY OF 2004, WE BELIEVED ONE OF THE MAIN BENEFITS OF ANNEXATION WAS THE ABILITY TO BECOME INVOLVED IN THE DEVELOPMENT PROCESS THROUGH THE CITY. UP TO THIS POINT WE HAVE WORKED AGREEABLY WITH THREE OR FOUR DEVELOPERS WITH MAJOR PRODUCTS LEADING TO THE GIVE AROUND TAKE OF MUTUAL AGREEMENT. IT'S UNFORTUNATE THAT THE CURRENT NEGOTIATIONS WITH FORD HAVE NOT BEEN AS SUCCESSFUL, WE ASKED FOR YOUR HELP IN GETTING THINGS BACK ON TRACK. WE ALSO URGE YOU NOT TO APPROVE THIS ZONING CASE WITHOUT ADEQUATE NEIGHBORHOOD PROTECTION THAT YOU WOULD REQUIRE AS DARREL LIEN SAID WITHOUT THE STATE INVOLVEMENT. THROW US INTO THE BROOIR PATCH, GO TO THE STATE ZONING BOARD, ... THAT WOULD GIVE FORD OPTIONS TO GO TO THE STATE BOARD OR THROUGH Z.A.P. COME FOR ZONING. THANK YOU VERY MUCH. PRIOR BRIER

Mayor Wynn: RICK VAUGHAN, WELCOME, YOU ARE PROBABLY DONATING TIME TO MR. THROWER. GARY CHANCELLOR, BOBBY MAN? SO MR. THROWER, YOU WILL HAVE UP TO 12 MINUTE IF YOU NEED IT.

MAYOR, MEMBERS OF THE COUNCIL, RON THROWER REPRESENTING THE NEIGHBORS THROUGH THIS PROCESS. I'D LIKE TO WALK YOU THERE YOU A SLIDE PRESENTATION AS TO CONDITIONS THAT COULD OCCUR ON THE SITE AND SOME PROBLEM THAT'S COULD OCCUR THROUGH THE SITE THROUGH THIS PROCESS. IF PROTECTIONS ARE NOT THERE FOR THE NEIGHBORS. AS YOU ARE AWARE, THE DEALERSHIP IS GOING NEXT DOOR TO AN ADJACENT SINGLE FAMILY NEIGHBORHOOD. FIRST OF ALL, I WOULD LIKE TO POINT OUT THROUGH MY RESEARCH I'M ONLY FINDING THIS HAS OCCURRED ONLY ONCE IN THE LAST 15 YEARS FOR A

DEALERSHIP OFF OF I-35 OR 183 AND JOLLYVILLE. EVER SINCE THIS ANYBODY WITH AN AUTOMOBILE DEALERSHIP HAS PUT IT ON EXISTED ZONE LAND OR TRIED TO REZONE LAND AWAY FROM NEIGHBORHOOD AS THERE'S A REASON FOR THAT. THE NEIGHBORS LOOKING FOR PROTECTIONS AGAINST BANNERS, BALLOONS, ANY SORT OF ADVERTISING STUFF THAT THEY FEEL IS OFFENSIVE, BANNERS, BALLOONS, GORILLAS, CRANES THAT ARE DISPLAYING CARS 10050 FEET UP IN THE AIR, 150 FEET UP IN THE AIR. THEY ARE LOOKING FOR PROTECTION FROM OFF FENCIVENESS. THE OTHER THING THAT FORD HAS NOT AGREED TO OR ADDED IS THAT THE PACKET THAT THERE'S A POTENTIAL FOR THE PARKING GARAGE ON THIS PROPERTY. A PARKING GARAGE LOCATED ON THE PROPERTY WOULD BE A GOOD IDEA TO HELP GREEN SPACE IS NOT A PART OF THEIR PLAN AT THIS TIME, BUT YET THEY ARE NOT WILLING TO MAKE IT A CONDITION AS PART OF THEIR REZONING. THEY ARE NOT EVEN WILLING TO DISCUSS IF A PARKING GARAGE WAS TO BE PLACED ON THE PROPERTY WHERE THAT PARKING GARAGE WOULD BE LOCATED. OBVIOUSLY A PARING GARAGE NEXT TO THE STREET OR ON BRANDT ROAD WOULD NOT BE AN ACCEPTABLE ALTERNATIVE TO THE NEIGHBORS. THE NEIGHBORS IN THIS AREA ARE LOOKING AT A SITUATION WHERE THEIR PRIVATE PRIVACY IS BEING IMPEDED. THEY HAVE LIVED IN AN AREA OUTSIDE OF THE CITY, AN AREA WHERE THE ADJACENT LUMBERMEN'S TRACT HAS POTENTIAL FOR COMMERCIAL DEVELOPMENT, BUT HAS HEAVY DEED RESTRICTIONS ON IT TO PREVENT EXACTLY WHAT COULD OCCUR ACROSS THE STREET FROM HAPPENING. WE ARE LOOKING AT DARK SKIES AND SOME TREE ISSUE ON THE PROPERTY THAT ARE GOING TO BE COMPROMISED. THE PROXIMITY OF THE NEIGHBORS TO THE POTENTIAL FORD DEALER IS DIRECTLY ACROSS BURNET ROAD FROM THIS LOCATION LOOKING NORTH ACROSS BURNET ROAD AT THE SITE. THE NEIGHBORHOOD DIRECTLY ACROSS THE STREET IS ESTABLISHED. BEEN THERE FOR SEVERAL YEARS, IT WILL BE IMPACTED BY A GR DEVELOPMENT ON THIS SITE WITHOUT REASONABLE CONDITIONS. IN REGARDS TO THE DARK SKY, THERE'S FOR STREET LIGHTS OUT HERE, NO COMMERCIAL DEVELOPMENT. THE NEIGHBORS ENJOY THE DARK SKY THAT EXISTS OUT THERE TODAY. THE PHOTO METRIC PLAN THAT HAS BEEN

BROUGHT TO US ABOUT THE FORD DEALERSHIP IS STILL INTRUCIVE, INVASIVE, THERE IS A LOT OF LIGHT THAT WILL BE SHOCK FROM THE SITE REFLECT FROM THE CARS INTO THE NEIGHBORHOOD. SHOWN. OTHER DEALERSHIPS THAT HAVE INTENSE DEALERSHIP LIGHTING YOU CAN SEE FROM THESE PHOTOS THAT THE INTENSITY OF THE LIGHT IS INTRUSIVE. THIS IS A DEALERSHIP THAT'S ON THE MOTOR MILE THAT IS SURROUNDED BY A LOT OF COMMERCIAL DEVELOPMENT. WHEN YOU ARE IN THAT TYPE OF SITUATION, YOU HAVE OTHER LIGHTED COMMERCIAL DEVELOPMENTS THAT YOU ARE COMPETING AGAINST. WHEN YOU ARE THE ONLY ONE OUT THERE, WHY HAVE THIS MUCH LIGHT INVOLVED WITH YOUR DEALERSHIP? WE ARE LOOKING AT A DARK SKY SITUATION OUT THERE RIGHT NOW THAT IS GOING TO BE COMPROMISED BY LIGHTING FROM THE DEALERSHIP. THE TREES ON THIS SITE, THERE'S NOT BEEN A REASONABLE UNDERSTANDING AS TO HOW MANY OF THESE TREES ARE GOING TO BE SAVED OR ARE THEY ACTUALLY GOING TO BE MOVED AROUND THE SITE, WHAT SIZE ARE THE TREES, HOW MUCH IS ACTUALLY GOING TO BE MITIGATED ABOVE AND BEYOND WHAT MAY BE A PART OF THE CITY LAND DEVELOPMENT CODE TODAY. WHAT WE ARE LOOKING RIGHT NOW IS YOU ARE ASKING FOR GR ZONING WITH THESE FEW CONDITIONS ON THE PROPERTY. YOU ARE ASKING FOR THE NEIGHBORS TO HAVE A GREATER LEVEL OF RELIANCE ON WHAT IS IN THE LAND DEVELOPMENT CODE TODAY FOR COMPATIBILITY STANDARDS. THE SCREENING OF EQUIPMENT, BUFFERING OF THE SITE WITH WALLS AND LANDSCAPING, LIGHTING, NOISE, DUMPSTERS AND REFLECTIVE SURFACES YOU ARE ASKING THE NEIGHBORS TO RELY STRICTLY ON THE LAND DEVELOPMENT CODE COMPATIBILITY STANDARDS. NEVER HAVE I BEEN INVOLVED WITH A GR ZONING CASE WHERE THERE'S NOT BEEN SOME CONDITIONS WHEN YOU HAVE THE PROHIBITION OF AN AUTOMOBILE USE ON A SITE. I HAVE BEEN INVOLVED IN A LOT OF ZONING CASES AND A GR ZONING CASE, 99% OF THE TIME, HAS PROHIBITED AUTOMOBILE USES. THERE IS A REASON FOR THAT. THEY ARE OBJECT OBNOXIOUS, ESPECIALLY IN THIS PROXIMITY TO A NEIGHBORHOOD. WE ARE ASKING FOR THE COUPLE TO RECOGNIZE THE ESTABLISHED NEIGHBORHOOD IN THE AREA AND TO PROVIDE REASONABLE CONDITIONS FOR THE

DEVELOPMENT OF THE PROPERTY SHOULD IT BE ZONED GR ZONING. THANK YOU.

Mayor Wynn: THANK YOU, MR. THROWER. BARRETT ALISON? WELCOME, SIR, YOU WILL HAVE THREE MINUTES AND I THINK THAT'S EVERYBODY EXCEPT FOR MR. [INDISCERNIBLE] NOW. WELCOME.

MAYOR AND COUNCIL, MY NAME IS BARRETT ALISON. I'M A 23 YEAR RESIDENT OF ONION CREEK. EVEN LONGER THAN THAT IN AUSTIN. I HAVE BEEN INVOLVED IN THIS PROCESS ON BEHALF OF THE HOA AND AS A RESIDENT PRETTY MUCH FROM THE BEGINNING GOING BACK A YEAR OR SO WHEN GO BOUGHT THE SITE AND INDICATED THEY WERE GOING TO SELL TO TEXDOT. WE TALKED TO TEXDOT. TEXDOT ASSURED US THAT THEY WOULD LISTEN TO OUR CONCERNS AND WORK WITH US AND SHOW US THE PLAN AS IT CAME ALONG. ZANE WEBB SPEAKING FOR THEM AND ROGER WILLIAMS, THE PLANNER WERE IN AT LEAST ONE MEETING THAT WE HAD WITH THEM. WHEN WE CONTACTED TEXDOT ABOUT TWO MONTHS AGO, ASKED WHAT REVISIONS HAD BEEN MADE TO THE PLAN, WAS THERE ONE THAT WE COULD LOOK AT. THEY SAID NO REVISIONS TO THE PLAN, WE ARE GOING TO BUILD IT EXACTLY LIKE WE FIRST SHOWED IT TO YOU. WE HAD A SIMILAR RESULT TALKING WITH GLO, NO RESTRICTIONS ON THE SITE. THEY COULDN'T RESTRICT IT. THEY WOULDN'T RESTRICT IT. SO YOUR SUCCESS IN GETTING THEM TO THE TABLE MAY BE BETTER THAN OURS, BUT AS I LISTENED TO THE LONG LIST OF THINGS THE NICE LADY READ THAT WAS AGREED TO, BASICALLY ALL OF THOSE WERE CITY STANDARDS. OUT OF THE 10 PAGES THAT THE NEIGHBORHOOD STARTED WITH ON ISSUES, REDUCED TO FIVE PAGES OF THE MOST SERIOUS THINGS, THE REAL ISSUES THAT WERE APPROVED LESS THAN CITY STANDARD WERE NO LEFT TURN ON TO BRANDT ROAD. WITH NO LIMBS ON PARKING THERE -- NO LIMITS ON PARKING YOU MIGHT NOT BE ABLE TO GET TO THE LEFT ANYWAY. THE OTHER WAS NO OUTDOOR PAST SYSTEM, WE THINK -- PA SYSTEM, WE THINK THAT WAS SOMETHING THEY INTENDED TO DO IN THE BEGINNING THEY GAVE THAT TO US. THE OTHER 10 AND A HALF OF THE 12 REALLY SERIOUS ISSUES THAT THE NEIGHBORHOOD ASKED FOR CONSIDERATION ON WE WERE TOLD NO. A LOT OF THE ISSUES THAT WAS -- THAT WERE

SET ASIDE IN THE LONG LIST ARE NOT BEING MADE AS COMMITMENTS AS YOU KNOW. THEY ARE JUST SAYING TRUST US, WE WILL DO THESE. WE WILL DO THIS UNDER POLICY. WE WERE LOOKING TO THE CITY ZONING PROCESS TO PROTECT THE NEIGHBORHOOD. AND WE DIDN'T HAVE A SEAT AT THE TABLE IN THOSE DISCUSSIONS, WE STILL FEEL LIKE WE DON'T HAVE A SEAT AT THE TABLE IN THOSE DISCUSSIONS NOW. WE WANTED TO AVOID A CIRCUS OUT THERE, RON MENTIONED SEARCH LIGHTS AND INFLATABLE GORILLAS, THINGS LIKE THAT. WE HOPE THOSE DON'T OCCUR. I THINK THE THING THAT CHILLED ME THE MOST THINKING WITH B THIS, IF YOU DON'T REALIZE IT, IF THE COMMUNITY DOESN'T REALIZE. THERE'S A NEW PROCESS IN TOWN. A GREAT DEAL OF COVERAGE WAS DONE EARLIER THIS YEAR ABOUT BIG BOXES AND WHERE THEY SHOULD GO OVER THE SENSITIVE PARTS OF THE CITY. I WANT YOU TO UNDERSTAND THIS ISN'T A BIG BOX. BUT WHAT WE ARE LEARNING HERE IS A STATE AGENCY CAN GO INTO A PLACE, BUY A PIECE OF LAND, OVER THE MOST SENSITIVE PART OF THE CITY, AND THUMB THEIR NOSE AT YOU AND SAY WE DON'T HAVE TO LISTEN TO YOUR CONCERNS. [BUZZER SOUNDING] WE WOULD LIKE YOU TO THROW US INTO THE BRIAR PATCH AS THE FOLKS SAID EARLIER. LET US GO TO THE STATE HEARING PROCESS AND LET THEM ARGUE BEFORE US AND THE OTHER PEOPLE THAT WHAT THEY ARE DOING IS NOT THUMBING THEIR NOSE AT THIS COMMUNITY. THANK YOU.

Mayor Wynn: THANK YOU, MR. ALISON. ACTUALLY, I APOLOGIZE, SUSAN McCAMPBELL SIGNED UP OFFERING TO DONATE TIME TO YOU. BUT -- I TRUST THAT YOU HAVE MADE YOUR POINTS. OUR NEXT TO THE LAST SPEAKER IS TERRI [INDISCERNIBLE] WELCOME, YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR, MEMBERS OF THE CITY COUNCIL. WE WILL GET THE SCHEDULE RIGHT. JOHN MCNABB AGAIN. AGAIN, WASHINGTON TO ADD MY -- I WANT TO ADD MY PERSONAL THANKS TO ALL OF YOU FOR THE TIME, ENERGY, EFFORT, ESPECIALLY COUNCILMEMBER DUNKERLY, HAS BEEN A PRIVILEGE TO WORK WITH. WE HAVE BEEN ACTIVELY INVOLVED WITH ALL OF OUR NEIGHBORS ON MOST OF THE DEVELOPMENT ACTIVITY IN SOUTH AUSTIN AS JERRY

McCULLY SAID PREVIOUSLY. MOST OF IT HAS GONE QUITE WELL. FOR INSTANCE IT WAS A PLEASURE TO WORK WITH ALTER SOUTHWEST AT ENDEAVOR PROPERTIES ON THEIR ACTIVITIES SO CLOSE TO US. UNFORTUNATELY, IN THIS CASE, MY OVERALL ASSESSMENT TO WHERE WE ARE AT RIGHT FOR YOU WAS ONE OF A LITTLE BIT OF DISAPPOINTMENT. I WOULD HAVE THOUGHT WE COULD HAVE GOTTEN FURTHER ALONG IN THINGS THAT WOULD MATTER TO THE NEIGHBORHOOD. AND I'M WORRIED ABOUT THAT. ON LIST OF ITEMS THAT THE STAFF NEGOTIATED, WE HAVE AGREED TO, THINGS LIKE WE WILL LIMIT OUR SIGN HEIGHT TO WHAT THE CITY REQUIRES, LIMIT OUR OPERATING HOURS TO WHAT THE STATE REQUIRES. I DON'T SEE THAT AS A CONCESSION. IT'S JUST THAT'S THEIR COMEBACK POSITION ON IT. THE ONE WE TALKED ABOUT, THE INFLATABLES AND VEHICLES HANGING FROM CRANES RIGHT OUTSIDE OF A NEIGHBORHOOD FOR NO MORE THAN FIVE CONSECUTIVE DAYS AT A TIME, I WAS THUNDER STRUCK --

Dunkerly: IF I COULD YOU ONE BIT. I WANT YOU ALL TO KNOW MY ROLE WAS SCRIBE ONLY. NO NEGOTIATING IT. WE WROTE IT DOWN.

I UNDERSTAND. AND YOU ARE EXACTLY RIGHT. THAT'S THE WAY IT WAS DELIVERED. I WILL ALSO ADMIT THERE WERE MEANINGFUL CONCESSIONS THAT WERE GIVEN. OKAY. NO SEARCH LIGHTS IS ACTUALLY A PRETTY BIG DEAL IF YOU THINK ABOUT IT IN THAT PART OF TIME. REDUCING THE ILLUMINATION DOWN IS ALSO A VERY IMPORTANT CONCESSION. I DON'T KNOW THAT WE ARE THERE YET TO WHAT MAKES ACCEPTS FOR THAT LOCATION -- SENSE FOR THAT LOCATION SPECIFICALLY IN PROXIMITY TO THE NEIGHBORHOOD. WE HAVE ANOTHER WEEK TO MAYBE WORK THAT OUT. THE LAST ITEM WOULD BE WE REQUESTED THAT THERE NOT BE A PARKING GARAGE. WE HAVE SEEN THE DEALERS THAT THIS PROSPECTIVE BUYER HAS BUILT BEFORE, THEY ALL HAVE PARKING GARAGES, THEY ARE NOT SMALL, THEY DON'T LOOK PRETTY. WHEN WE BROACHED THAT SUBJECT THEY SAID NO, ABSOLUTELY NOT. WE WILL NOT RESTRICT OUR BUSINESS OPTIONS IN THIS AREA. BASICALLY WHEN I LOOK AT THE LIST I SEE A LONG LIST THAT SAYS WE WILL AGREE TO EVERYTHING THAT DOESN'T

RESTRICT OUR BUSINESS OPTIONS. BUT THINGS THAT COULD MAKE IT A LITTLE MORE ATTRACTIVE WE WILL DO THAT. BUT IF -- THAT'S WHERE WE'LL LEAVE IT. SO WHERE I'M LEFT WITH DESPITE ALL OF THE BEST EFFORTS OF A LOT OF GOOD PEOPLE IS I THINK THAT I HAVE TO GO WITH THE ADVICE OF COUNSEL AS TERRY I THINK WILL EXPLAIN IN JUST A MINUTE. THE OTHERS HAVE ALREADY SAID. AGAIN, THANKS FOR ALL OF YOU FOR YOUR TIME AND ENERGY AND ON THIS VERY DIFFICULT ISSUE.

Mayor Wynn: THANK YOU, MR. MCNABB, ALL OF YOUR TIME AND EFFORT. TERRI E RHODE ISLANDRIAN.

THANK YOU, MAYBE, COUNCILMEMBERS OF THE CITY COUNCIL, THANK YOU MS. DUNKERLY FOR ALL OF YOUR HARD WORK IN THIS. I THINK THAT YOU HAVE HEARD ALL OF THE CONCERNS THAT THE NEIGHBORHOODS HAVE WITH RESPECT TO THIS PROJECT. REALLY, IT BOILS DOWN TO WE REALLY DON'T THINK THAT YOU WOULD BE ZONING THIS PROPERTY GR WITH SO FEW PROTECTIONS AND A NAKED PROMISE OF A FUTURE RESTRICTIVE COVENANT IF IT WEREN'T THE STATE THAT OWNED THE PROPERTY. AND LIKE BARRY ALISON SAID, WE THINK THIS IS A NEW ERA WE ARE INTERESTING HERE WHERE THE STATE CAN COME IN AND BUY SURPLUS PROPERTY, AND EXPLOIT, REALLY, THE -- THE -- ITS SO WRITTEN POWERS TO -- ITS SO WRITTEN POWERS -- SOVEREIGN POWERS TO [INDISCERNIBLE] ZONING REGULATIONS. AND WHAT WE ARE ASKING FOR IS TO GIVE US AN OPPORTUNITY TO GO TO THE STATE ZONING BOARD AND LET US NEGOTIATE AT THAT LEVEL. THAT'S -- THAT IS THE FIRST STAGE WHERE FORD WILL REALIZE THAT THEY REALLY HAVE TO NEGOTIATE. BECAUSE THROUGH THE STATE ZONING BOARD PROCESS THEY WILL HAVE TO DEVELOP THE DEVELOPMENT PLAN AND YOU KNOW IF YOU READ THE STATUTE, THERE'S A LOT THERE. SO WE WOULD LIKE THAT OPPORTUNITY AND WHAT I'M GOING TO RECOMMEND IS THAT YOU CONSIDER A -- ZONING THIS GR, WITH -- MAKE AUTOMOTIVE SALES AND SERVICE A CONDITIONAL USE. IF YOU DO THAT, YOU ARE GIVING FORD AND THE STATE TWO OPTIONS. ONE, FORD CAN MOVE FORWARD WITH PUTTING TOGETHER ITS SITE PLAN AND NEGOTIATE IT THROUGH THE Z.A.P. CO PROCESS LIKE ANYONE ELSE WITH A CONDITIONAL USE SITE PLAN. OR

THEY CAN GO TO THE STATE DIRECTLY AND COMMENCE THE STATE ZONING BOARD PROCESS AND DEVELOP THEIR DEVELOPMENT PLAN. THEIR DEVELOPMENT PLAN AND SITE PLAN ARE PROBABLY GOING TO BE THE SAME PLAN OR THEY CAN GO THROUGH BOTH PROCESSES SIMULTANEOUSLY. BUT EITHER WAY WE THINK THAT WE WILL FINE NEAL BE IN A POSITION WHERE EVERYBODY WILL HAVE TO PUT THEIR CARDS ON THE TABLE. AND SAY WHAT THEY REALLY PLAN ON DOING. AND THEY WILL BE BOUND BY WHAT IS APPROVED. AND SO WE WOULD ASK THAT YOU ZONE THIS GR AND MAKE THE AUTOMOTIVE SALES AND SERVICES A CONDITIONAL USE. I WILL BE HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK, QUESTIONS, COMMENTS, COUNCIL? I WILL SAY FOR THE RECORD MYRA ALISON SIGNED UP NOT WISHING TO SPEAK AGAINST, SUSAN CAMPBELL, NOT WISHING TO SPEAK AGAINST.

McCracken: I HAD A QUESTION. I'M SORRY, JERRY.

THE NEIGHBORHOOD WOULD PREFER TO POTENTIALLY ACCEPTED THIS TO THE STATE OVER THE RANGE OF NEGOTIATIONS THAT HAVE OCCURRED HERE AT THE COUNCIL LET ME, IS THAT -- I JUST WANT TO MAKE SURE THAT I UNDERSTAND THE NEIGHBOR'S POSITION.

THAT'S CORRECT. WHAT WE ARE REALLY ASKING IS ZONING GR WITH THE CONDITIONAL USE, THAT WAY FORD CAN -- CAN DECIDE IF THEY WANT TO TAKE IT TO THE ZONING BOARD IMMEDIATELY, IF THEY WANT TO PROCESS A SITE PLAN TO Z.A.P. CO AND A DEVELOP PLAN TO THE STATE ZONING BOARD SIMULTANEOUSLY, THEY WILL HAVE BOTH OPTIONS. BUT WE WOULD LIKE TO MOVE FORWARD WITH A BONA FIDE NEGOTIATION, WE THAT I THAT PROCESS -- THAT PROCESS IS WHERE WE ARE GOING TO GET THAT. THANK YOU.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A MOTION TO CLOSE THIS PUBLIC HEARING.

SO MOVE.

MOTION MADE BY COUNCILMEMBER MCCRACKEN. I'LL SECOND TO CLOSE THE PUBLIC HEARING ITEM Z-6. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. COMMENTS, QUESTIONS, COUNCIL? WE HAD A -- WE HAD SOMEWHAT OF A STRATEGY OUTLINED BEFORE.

MAYOR AND COUNCIL, IF I COULD, I WILL RECOMMEND THAT YOU ALL POSTPONE TAKING ACTION ON THIS ITEM UNTIL NEXT WEEK. FRTS.

Mayor Wynn: THANK YOU, MS. TERRY.

Slusher: I WOULD MOVE THAT, BUT I WANT TO SAY A COUPLE OF THINGS.

Mayor Wynn: MOTION BY COUNCILMEMBER SLUSHER TO POSTPONE ACTION ON THIS WELCOME FOR ONE WEEK -- ON THIS ITEM FOR ONE WEEK TO FEBRUARY 17th, 2005. I WILL SECOND. COMMENT? COUNCILMEMBER SLUSHER?

I WAS GOING TO SAY I HOPE THERE CAN BE FURTHER NEGOTIATIONS. I WILL AGREE WITH BOTH SIDES OR PARTIES THAT COUNCILMEMBER DUNKERLY'S DONE A REALLY GOOD JOB OF -- WHAT DID YOU CALL IT? SCRIBING THIS? I AGREE WITH THAT. IT SEEMS LIKE A WHOLE LOT OF THE THINGS THAT THE STATE AGREED TO ARE JUST CITY REGULATIONS, BUT THEN THE STATE DOESN'T HAVE TO BY LAW COMPLY WITH CITY REGULATIONS. ALSO I THINK MR. ALISON MID A GOOD -- SOME POINTS ALONG WITH SOME OF THE OTHER NEIGHBORS. SO I WOULD HOPE THERE COULD BE SOME CONTINUING NEGOTIATIONS. IN PARTICULAR THE NIGHT SKY POINT SEEMS TO BE REVALID TO THIS. THIS AREA IS STILL ON THE OUTSKIRT OF THE CITY. I WOULD HATE TO SEE IT BECOME A BIG BEACON OF LIGHT OUT THERE LOOKING AT IT FROM THE SKY OR LOOKING UP TO THE SKY LIKE THE NEIGHBORS WERE TALKING ABOUT. I THINK THAT'S A

LEGITIMATE QUALITY OF LIFE ISSUE THAT THEY ARE TALKING ABOUT. I WOULD HOPE THIS THE STATE AND THE -- AND THAT FORD WOULD CONSIDER THAT AND CONTINUE TO LOOK AT SOME OF THE OTHER POINTS THAT THEY ARE MAKING.

Mayor Wynn: THANK YOU, COUNCILMEMBER, FURTHER COMMENTS? A MOTION AND A SECOND ON THE TABLE FOR R TO POSTPONE ACTION FOR ONE WEEK FOR FEBRUARY 17th. HEARING NO COMMENTS -- COUNCILMEMBER MCCRACKEN?

McCracken: I WANT TO ECHO WHAT COUNCILMEMBER SLUSHER SAID. I HAD THE GREAT PRIVILEGE TO GET TO SIT NEXT TO BETTY DUNKERLY THE LAST YEAR AND A HALF. I LEARNED A LOT WATCHING HER THIS WEEK, REALLY, REALLY GOOD WORK I REALLY HOPE IT LEADS TO SOMETHING BECAUSE BETTY WASN'T THE SCRIBE. SHE WAS THE GLUE, STICKING THEM TOGETHER MAKING SURE NO ONE LEFT. REALLY, REALLY GOOD WORK AND A GOOD EXAMPLE FOR ME. THANKS A LOT.

Mayor Wynn: THANK YOU, COUNCILMEMBER. MOTION AND SECOND ON THE TABLE TO POSTPONE FOR ONE WEEK? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, THAT TAKES US TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS, I WILL ANNOUNCE AT THIS TIME DURING THIS BREAK, COUNCIL MAY BE IN CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT TO POTENTIALLY TAKE UP -- CONTINUE DISCUSSION OF ITEM NO. 25 RELATED TO MARY LOPEZ LAWSUIT. WE ARE NOW IN RECESS AND IN CLOSED SESSION. SO IN CLOSED SESSION, NOT RECESS. THANK YOU. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: OKAY. APPRECIATE YOUR PATIENCE, FOLKS. FOR OUR LIVE MUSIC GIG AT THE AUSTIN CITY COUNCIL, JOINING US TODAY IS ALL U. NEED. ALL YOU O. NEED IS A CONTEMPORARY BAND THAT'S BECOME ONE OF THE MOST POPULAR BANDS IN THE MUSICAL WORLD. THEY BORROW FROM ALL STYLES OF MUSIC. PLEASE JOIN ME IN WELCOMING ALL U CAN. [APPLAUSE] (music)(music) I GUESS YOU WONDER WHERE I'VE BEEN. I'M TRYING TO FIND THE LOVE WITHIN (music). (music) I CAME BACK TO LET YOU KNOW,

GOT A THING FOR YOU AND I CAN'T LET GO. (music) MY FRIENDS WONDER WHAT IS WRONG WITH ME. GOT ME IN A DAZE FROM YOUR LOVE, YOU SEE. (music) I CAME BACK TO LET YOU KNOW... GOT A THING FOR YOU AND I CAN'T LET GO. (music) SOME PEOPLE TRAVEL ROUND THE WORLD FOR LOVE. THEY MAY NEVER FIND A GREAT LOVE. (music) WHAT YOU WON'T DO, DO FOR LOVE. (music) YOU TRY EVERYTHING, BUT YOU WON'T GIVE UP. (music) IN MY WORLD, ONLY YOU, MAKE ME FEEL FOR LOVE WHAT I WOULD NOT DO. (music) MAKE ME FEEL FOR LOVE WHAT I WOULD NOT DO. (music)(music) (music) I GUESS YOU WONDER WHERE I'VE BEEN. (music) I'M TRYING TO FIND A LOVE WITHIN. (music) AND I CAME BACK TO LET YOU KNOW. (music) GOT A THING FOR YOU, AND I CAN'T LET GO. (music) MY FRIENDS WONDER WHAT IS WRONG WITH ME. (music) GOT ME IN A DAZE FROM YOUR LOVE, YOU SEE.

Professor: CAME BACK TO LET YOU KNOW, GOT A THING FOR YOU AND I CAN'T LET GO. (music) SOME PEOPLE TRAVEL ROUND THE WORLD FOR LOVE. (music) THEY MAY NEVER FIND WHAT THEY DREAM OF. (music) WHAT YOU WON'T DO, DO FOR LOVE. (music) YOU TRY EVERYTHING, BUT YOU WON'T GIVE UP. (music) IN MY WORLD, ONLY YOU MAKE ME DO FOR LOVE WHAT I WOULD NOT DO. (music) MAKE ME DO FOR LOVE WHAT I WOULD NOT DO. (music) MAKE ME DO FOR LOVE WHAT I WOULD NOT DO. (music) DO CRAZY THINGS FOR LOVE THAT I SHOULD NOT DO. (music)(music) (music)(music) [APPLAUSE]

Mayor Wynn: ALL U NEED, FOLKS. BEFORE I READ THE PROCLAMATION, YOU KNOW THESE GUYS ARE GOOD BECAUSE THEY HAVE A MANAGER. [LAUGHTER] HE'S GOING TO TELL US ABOUT WHERE WE CAN HEAR THEM NEXT, IF YOU HAVE CD'S, A WEBSITE, ALL THAT.

HOW ARE YOU DOING? MY NAME IS GUY BUTLER AND I MANAGE ALL U NEED. WE PLAY EVERY FRIDAY AT SAHARA LOCATED AT I-35 AND BRAKER LANE. I-35 AND BRAKER RIGHT NEXT TO THE HARLEY DAVIDSON OUTLET. BUT ANYWAY, OUR WEBSITE IS ALL U NEED ENTERTAINMENT.COM AND THE U IS THE LETTER U. AND YES, WE ALSO PLAY AT REED AND SOUTHERLAND'S, BUT ON OUR WEBSITE WE HAVE A SCHEDULE THERE AND YOU CAN CHECK US OUT ON THE

SCHEDULE. AND WE'RE AVAILABLE FOR ANY TYPE OF PARTY YOU HAVE OR GA LAY, WHATEVER, -- GAYLA, WE'RE AVAILABLE.

Mayor Wynn: WE HAVE A PROCLAMATION THAT READS, BE IT KNOWN WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN. TEXAS, HERE BY PROCLAIM TODAY AS ALL U NEED DAY IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN NECESSITY IN RECOGNIZING THIS GREAT TALENT. [APPLAUSE] WHILE THE BAND BREAKS DOWN WE'LL COME OVER HERE FOR A COUPLE OF PROCLAMATIONS TONIGHT. THIS FIRST ONE IS REGARDING THE TEXAS 211 DAY. AND I'M JOINED BY DAVID BALCH, WHO MANY OF YOU KNOW. AND THE PROCLAMATION READS: BE IT KNOWN THAT WHEREAS, TEXAS 211 IS THE NUMBER FOR PEOPLE TO CALL WHEN THEY'RE NOT SURE WHERE TO TURN FOR HELP AND CITIZENS CAN MAKE USE OF THIS NUMBER TO FIND OUT ABOUT RESOURCES IN THEIR LOCAL COMMUNITIES. WHEREAS TEXAS 211 IS MANNED BY CERTIFIED SPECIALISTS AROUND THE CLOCK WHO HAVE ACCESS TO THE MOST COMPREHENSIVE DATABASE OF COMMUNITY-BASED ORGANIZATIONS, GOVERNMENT AGENCIES AND NONPROFITS THAT EXIST IN TEXAS. AND WHO CAN PROVIDE INFORMATION IN ALMOST ANY LANGUAGE. AND WHEREAS LOCALLY UNITED WAY CAPITAL AREA PROVIDES THE 211 SUPPORT SERVICE TO CITIZENS IN 10 CENTRAL TEXAS COUNTIES PROVIDING INFORMATION AND REFERRALS TO HEALTH AND HUMAN SERVICES, COMMUNITY ORGANIZATIONS AND DISASTER RELIEF SERVICES. NOW THEREFORE I, WILL WYNN, MAYOR OF THE GREAT CITY OF AUSTIN, TEXAS, DO HERE BY CLAIM TOMORROW, FEBRUARY 11th, 2005, AS TEXAS 211 DAY IN AUSTIN, AND ASK MR. DAVID BALCH TO TELL US MORE ABOUT THIS IMPORTANT PROGRAM THAT MANY CITIZENS DON'T KNOW ABOUT. DAVID? [APPLAUSE]

MAYOR WYNN AND CITY COUNCIL, WE'D LIKE TO THANK YOU FOR THIS PROCLAMATION TODAY. WE APPRECIATE THE

SUPPORT OF THE CITY FOR THIS VERY NEEDED SERVICE IN THE COMMUNITY. 211 HAS BEEN IN EXISTENCE FOR TWO YEARS NOW AND LAST YEAR ALONE WE RECEIVED OVER 140,000 REQUESTS FOR INFORMATION IN CENTRAL TEXAS. THE GOAL OF 211 IS TO INCREASE THE EFFICIENCY OF THE SOCIAL SERVICE DELIVERY SYSTEM IN THIS COMMUNITY. I WANT TO GIVE YOU ONE EXAMPLE OF THE EFFICIENCY HAPPENING RIGHT NOW. IT'S A PUBLIC-PRIVATE PARTNERSHIP THAT 211 AND THE UNITED WAY IS INVOLVED IN WITH THE AUSTIN ASSET BUILDING COALITION, WHICH INVOLVES THE CITY, C.A.N., THE COMMUNITY ACTION NETWORK, AND FOUNDATION COMMUNITIES. IN THIS COMMUNITY ALONE, WE ARE -- OUR LOW INCOME RESIDENTS LAST YEAR DID NOT GET TAX RETURNS BETWEEN 14 AND \$21 MILLION. AND WHAT WE'VE BEEN DOING PARTNERING WITH THIS COALITION IS THAT WE'VE BEEN ADVERTISING THAT IF THEY CALL 211 WE WILL SCHEDULE AN APPOINTMENT IN THIS COMMUNITY. SO THIS YEAR OUR GOAL IS TO HAVE 1500 PEOPLE SCHEDULED. ALREADY WE HAVE 500 THAT HAVE SCHEDULED WITH VOLUNTEERS IN THIS COMMUNITY GETTING A TAX RETURN. AND WHEN WE TALK ABOUT THESE MILLIONS OF DOLLARS, THIS IS NOT JUST GOING TO THE PEOPLE WHO NEED THE ASSISTANCE, BUT IT'S ALSO GOING TO BE SPENT HERE WITH LOCAL BUSINESSES. SO AGAIN, I'D LIKE TO THANK THE CITY FOR THEIR SUPPORT.

Mayor Wynn: THANK YOU ALL SO MUCH. [APPLAUSE]

Mayor Wynn: THE NEXT PROCLAMATION WILL BE PRESENTED BY COUNCILMEMBER BETTY DUNKERLEY.

Dunkerley: IF I COULD HAVE ED ESQUIVEL STEP FORWARD. WE FREQUENTLY GIVE DISTINGUISHED SERVICE AWARDS TO LONG TIME EMPLOYEES OF THE CITY, BUT TODAY I'M VERY HAPPY TO PRESENT A DISTINGUISHED SERVICE AWARD TO ED ESQUIVEL, WHO HAS SERVED THIS CITY FOR MANY, MANY YEARS. SO I'M GOING TO READ THIS AND MAKE A FEW OTHER COMMENT. THE CITY OF AUSTIN DISTINGUISHED SERVICE AWARD FOR HIS CAREER AS AN ATTORNEY WITH THE FIRM OF FULBRIGHT & JAWORSKI AND IN PARTICULAR HIS HARD WORK FOR THE CITY OF AUSTIN. THIS IS TO ED ESQUIVEL. ED IS DESERVING OF PUBLIC ACCLAIM AND

RECOGNITION. MR. ESQUIVEL BEGAN HIS CAREER AS BOND COUNCIL TO THE CITY OF AUSTIN IN 1982 AND HAS WORKED ON 57 BOND ISSUES SINCE THAT TIME. IN THE ISSUANCE OF OVER \$8.6 BILLION IN NEW MONEY AND REFUNDING BONDS. MR. ESQUIVEL IS THE MOST KNOWLEDGEABLE BOND ATTORNEY IN THE STATE, EXCLAMATION POINT. HE IS ALSO - - HE HAS ALSO AUTHORED MANY NEW ORDINANCES FOR THE CITY, INCLUDING THOSE INVOLVING THE WATER AND WASTEWATER, ELECTRIC UTILITIES AS WELL AS THE CONVENTION CENTER, AND HE'S HELPED THE CITY THROUGH NUMEROUS CHALLENGES WITH THE ATTORNEY GENERAL'S OFFICE. THIS CERTIFICATE IS PRESENTED WITH OUR DMIRMATION AND APPRECIATION FOR HIS SERVICE THIS 10th DAY OF FEBRUARY IN THE YEAR 2005, AND IT'S SIGNED BY OUR MAYOR, WILL WYNN AND ACKNOWLEDGED BY THE MAYOR PRO TEM AND ALL OF THE COUNCILMEMBERS. ED, THANK YOU VERY MUCH. [APPLAUSE]

Dunkerley: I DON'T KNOW ABOUTWHAT MR. ESQUIVEL DID BEFORE 1990, BUT I CAME HERE IN 1990 AND I CAN TELL YOU I WOULD NOT HAVE SURVIVED AND THE CITY WOULD NOT HAVE SURVIVED AS WELL AS WE DID WITHOUT HIS HELP. [APPLAUSE]

I'D LIKE TO EXPRESS MY APPRECIATION FOR HAVING HAD THE OPPORTUNITY TO WORK WITH THE CITY OVER THE PAST 23 YEARS. IT'S BEEN A REAL PRIVILEGE, HONOR, AND CHALLENGING EXPERIENCE AT TIMES. [LAUGHTER] BUT IT BEEN FUN AND, BETTY, IT WAS FUN WORKING WITH YOU IN A DIFFERENT CAPACITY WHEN YOU WERE WITH THE CITY. AND I'D ALSO LIKE TO RECOGNIZE BILL NEWMAN FOR ALL HIS SIS STENS AND HELP OVER THE YEARS AND WITH DENNIS AND ART THEY'VE BEEN OF GREAT ASSISTANCE TO ME. AND WITH MS. BROWN ALSO GETTING THE PAPERS SIGNED AND ALL, AS MANY PEOPLE KNOW WITH A BOND ISSUE YOU HAVE A TREMENDOUS AMOUNT OF PAPERWORK THAT GOES WITH IT. AND SHE'S BEEN VERY HELPFUL IN HELPING US GET THAT PAPERWORK DONE AND GETTING THE BONDS DELIVERED. JOHN, THANK YOU FOR YOUR HELP AND VICKY ALSO. [APPLAUSE]

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN

EXECUTIVE SESSION WE CONTINUED OUR DISCUSSION ON NUMB NUMBER 25 RELATED TO THE LAWSUIT INVOLVING MS. MARY LOPEZ. WITH THAT WE'LL TAKE UP ITEM NUMBER 27. MR. SMITH?

MARY AND COUNCIL, DAVID SMITH, THE COUNCIL CITY ATTORNEY. ITEM 27 RELATES TO A PROPOSED SETTLEMENT OF A LAWSUIT AGAINST THE CITY BROUGHT BY MARY LOPEZ. MS. LOPEZ ALLEGES THAT EXCESSIVE FORCE WAS USED BY AN AUSTIN POLICE OFFICER DURING HER ARREST. WE'VE HAD A FORMAL MEDIATION AS WELL AS INFORMAL NEGOTIATIONS WITH MS. LOPEZ AND HER ATTORNEY AND WE HAVE OFFERED, SUBJECT TO YOUR APPROVAL, AND SHE AND HER ATTORNEY HAVE AGREED TO ACCEPT THE SUM OF \$100,000 PLUS MEDICAL EXPENSES. WE HAVE CONFIRMED THAT THE MEDICAL EXPENSES ARE \$42,000. SO WE'RE RECOMMENDING TO COUNCIL THAT THEY APPROVE SETTLEMENT IN THIS CASE FOR THE TOTAL SUM OF \$142,000.

Slusher: MOVE APPROVAL.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER. SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE THIS RECOMMENDED SETTLEMENT. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO WITH THE MAYOR PRO TEM AND COUNCILMEMBER MCCRACKEN TEMPORARILY OFF THE DAIS. THANK YOU, MR. SMITH. OKAY, FOLKS, THANK YOU ALL FOR YOUR PATIENCE. THAT TAKES US BACK TO OUR ZONING CASES. WE HAVE ITEM Z-5 NOW TO TAKE UP. WHICH TECHNICALLY IS A CITY OF AUSTIN HISTORIC ZONING CASE. SO WE'LL HEAR A BRIEF STAFF PRESENTATION SHORTLY.

I THINK WE'RE STRETCHING HERE.

Mayor Wynn: Z-A.

STEVE SADOWSKY WITH THE HISTORIC OFFICE AND NEIGHBORHOOD PLANNING AND ZONING. THIS CASE IS C-14-

H-04-00 0027. THIS IS A CASE FOR THE BROWN LEDEL SILVERMAN HOUSE LOCATED AT 609 WEST LYNN STREET. THE CURRENT HOPE ZONING IS MF 4-NP. WHAT IS RECOMMENDED IS MF-4-H-NP. THIS WAS FORWARDED TO YOU WITHOUT A RECOMMENDATION. THE HOUSE IN QUESTION WAS BUILT IN 1893. IT'S A QUEEN ANNE STYLE HOUSE. IT FITS ALL THE CRITERIA FOR QUEEN ANNE STYLE. IT MEETS THE OLD HISTORIC LANDMARK DESIGNATION CRITERIA 136, 9, 11, 12 AND 13. AND THIS CASE WAS EVALUATED UNDER THE OLD CRITERIA BECAUSE OF WHEN IT WAS FILED. IT CAME TO THE LANDMARK COMMISSION UPON A DEMOLITION PERMIT APPLICATION AND THE LANDMARK COMMISSION RECOMMENDED HISTORIC ZONING FOR IT. AS I SAID, THE HOUSE WAS BUILT IN 1893. IT'S LISTED AS A PRIORITY 1 IN THE 1994 SURVEY. LET ME SHOW YOU VERY QUICKLY WHERE IT IS AND GIVE YOU A CONTEXT FOR IT. THIS IS THE SUBJECT PROPERTY HERE. THIS IS WEST LYNN STREET AND WEST SIXTH. SO THE SOUTH OF IT IS A MODERN APARTMENT COMPLEX. TO THE NORTH OF IT ARE HISTORIC AREA HOMES. DIRECTLY ACROSS THE STREET IS THE SHEETS-ROBERTSON HOUSE, WHICH IS DESIGNATED CITY LANDMARK. AND THEN UP HERE WOULD BE THE COMMERCIAL DEVELOPMENTS. AND ANOTHER APARTMENT COMPLEX, COMMERCIAL DEVELOPMENTS AROUND NINTH STREET AND WEST LYNN. IT'S LOCATED ON THE FIRST BIG RISE OF WEST LYNN STREET OFF OF WEST SIXTH, SO IT'S LOCATED ON A VERY PROMINENT SITE. AND IT WAS THE HOME OF TIMOTHY BROWN, WHO CAME TO AUSTIN IN 1892. HE WAS THE PRINCIPAL OF THE WEST AUSTIN OR PEASE SCHOOL. THERE'S A MARKER AT THE PEASE SCHOOL COMMEMORATING HIS SERVICE TO AUSTIN EDUCATION. HE WAS A PIONEER EDUCATOR. AND HIS WIFE, MARY BROWN, WAS THE FOUNDER OF THE KIRBY HALL SCHOOL, WHICH IS NOW THE KIRBY HALL DORM AT U.T. SHE WAS EXTREMELY INSTRUMENTAL IN ORGANIZING THE FUND DRIVE TO RAISE THE MONEY TO BUILD KIRBY HALL, WHICH WAS DESIGNED AS A DORM TERRY FOR METHODIST WOMEN ATTENDING THE UNIVERSITY OF TEXAS. THE BROWNS LIVED IN THE HOUSE UNTIL 1916. AFTER THAT A MAN NAMED THREE DOR LEDEL LIVED THERE. HE OPERATED A CLOTHING STORE ON CONGRESS AVENUE AND THEN SAL SILLERMAN BOUGHT IT FROM THE LEDELS AND HE WAS A TAYLOR IN THE SHOP AT

804 CONGRESS. THE HOUSE AS I SAID WAS EVALUATED TO BE A TOP PRIORITY FOR PRESERVATION IN THE 1984 SURVEY. AND THE STAFF RECOMMENDS HISTORIC DESIGNATION FOR THIS PROPERTY. THE HISTORICAL SIGNIFICANCE OF THIS PROPERTY I THINK IS UNCONTROVERTED. AT PREVIOUS HEARINGS THE CURRENT OWNER'S AGENT HAS ACKNOWLEDGED THAT THIS HOUSE HAS HISTORICAL SIGNIFICANCE. THE CASE GETS DIFFICULT BECAUSE THE HOUSE IS IN A VERY DETERIORATED STATE. THE CURRENT OWNER BOUGHT THE HOUSE JUST SEVERAL WEEKS AGO AFTER THE LANDMARK COMMISSION AND AFTER THE PLANNING COMMISSION HAD ALREADY HEARD THIS AND WAS JUST CLOSING ON THE HOUSE. HE PURCHASED THE PROPERTY. HE HIRED OR HIS AGENT HIRED A STRUCTURAL ENGINEER TO COME TAKE A LOOK AT IT AND HE PROVIDED A REPORT, WHICH IS IN YOUR BACKUP, DETAILING THE STRUCTURAL PROBLEMS OF THE HOUSE OF THE. THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION TOOK A LOOK AT THAT REPORT. THEY ALSO HIRED A STRUCTURAL ENGINEER ON THEIR OWN TO TAKE A LOOK AT THE REPORT AND TO GIVE A COST ESTIMATE AS TO WHAT IT WOULD TAKE TO REHABILITATE THIS PROPERTY. THE PROPERTY ACCORDING TO THE APPRAISAL DISTRICT IS WORTH \$278,000. THE REPORT FROM JASTER QUINTANILLA, WHICH IS THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION HIRED, SAID IT WILL TAKE BETWEEN I BELIEVE IT'S ABOUT \$100,000 TO REHAB AND STABILIZE THE HOUSE. I'VE BEEN IN THE HOUSE. IT DOES HAVE SERIOUS STRUCTURAL PROBLEMS, BUT THE FIRST REPORT THAT WAS PRESENTED TO THE LANDMARK COMMISSION DIDN'T GIVE ANYBODY ANY IDEA AS TO WHAT IT WOULD COST TO FIX THE HOUSE AND REALLY THE EXTENT OF THE PROBLEMS. SO THAT IS WHY THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION TOOK IT UPON THEMSELVES TO HIRE A STRUCTURAL ENGINEERING FIRM OF THEIR OWN TO GET A SECOND OPINION AS TO WHAT IT WOULD COST. AND JASTER QUINTANILLA'S REPORT IS ATTACHED IN YOUR BACKUP AS WELL. THE HOUSE IS GOING TO NEED NEW FOUNDATION PIERS, NEW FLOOR JOISTS, NEW SEAL BEELZ. THE HOUSE WILL NEED TO BE LEVELED. DEBRIS NEEDS TO BE CLEARED AND THEN STABILIZING THE SOUTH WALL WHERE THE ADDITION TO THE HOUSE ON THE BACK IS ACTUALLY

PULLING AWAY FROM THE HOUSE BECAUSE THE STRUCTURAL PROBLEMS OF THE HOUSE. AND THEY ESTIMATED THAT THE STRUCTURAL COST OF REHABILITATING THE HOUSE WAS \$41,025. AND THEN TO RESTORE -- REHAB THE HOUSE TO A HABITABLE CONDITION WOULD BE AROUND \$100,000. NOW, THAT'S JESTER QUINTANILLA'S ESTIMATE OF WHAT IT WOULD MAKE TO MAKE THIS HOUSE HABITABLE AGAIN. WHAT IT WOULD TAKE TO RESTORE THE HOUSE AND MAKE IT THE HOUSE THAT THE OWNER WOULD LIKE IT TO BE IS REALLY JUST GOING TO DEPEND ON HIS TASTE, SO WE DON'T HAVE ANY ESTIMATE AS TO WHAT THAT MIGHT COST BECAUSE THAT WOULD BE NEW FINISHES, THINGS LIKE THAT. SO THAT CONCLUDES MY PRESENTATION, IF Y'ALL HAVE ANY QUESTIONS.

Mayor Wynn: THANK YOU. COUNCILMEMBER DUNKERLEY.

Dunkerley: JUST A COUPLE OF QUESTIONS, STEVE. HOW MUCH HAS THE -- THE NEIGHBORHOOD'S ENGINEERS SAID 40,000 TO STABILIZE IT, 100,000 TO MAKE IT HABITABLE. I GUESS THAT WOULD INCLUDE NEW WIRING, NEW PLUMBING AND ALL THAT STUFF. AND THEN SOME OTHER AMOUNT TO REALLY RESTORE IT TO -- TO THE BEAUTIFUL STATE YOU WANTED IT IN. BUT HAS THE HOUSE BEEN ALTERED A LOT OVER THE YEARS JUST AS FAR AS THE EXTERIOR, THE PORCHES OR WHATEVER IS THERE, WAS THERE?

IT'S REMARKABLY INTACT FOR WHAT IT HAS BEEN. IT'S BEEN A RENTAL UNIT OR SEVERAL RENTAL UNITS FOR A LONG TIME. SO IT'S REMARKABLY INTACT FOR THAT HISTORY. IT HASN'T HAD A RESIDENT OWNER IN THE HOUSE FOR A LONG TIME. THERE'S A PORCH POST THAT'S BEEN REMOVED. THERE IS AN ADDITION TO THE BACK OF IT THAT'S NOT ORIGINAL, BUT THE MAIN FORM AND STRUCTURE OF THE HOUSE IS INTACT AND ALL THE SIDING IN THE WINDOWS AND EVEN INSIDE THE ORIGINAL FINISHES ARE STILL THERE, ALTHOUGH RATHER DETERIORATED.

Dunkerley: I GUESS THE GENTLEMAN WHO HAS PURCHASED IT CAN GIVE US PROBABLY ADDITIONAL NUMBERS AS TO WHAT HE THOUGHT IT WOULD BE? 140,000 JUST TO MAKE IT HABITABLE SEEMS LIKE A PRETTY BIG NUMBER.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I KNOW THAT WITH ALL THE REVISIONS WE'VE MADE TO THE HISTORIC TAX CREDITS RECENTLY. COULD YOU GIVE US SOME REFRESHER ON WHAT TAX BENEFITS WOULD BE THERE OR IF THEY COULD BE DEDUCTED FROM THE COST OR NOT?

SURE. THE CALCULATION THAT WAS MADE, COUNCILMEMBER, WAS ON IT BEING AN INCOME-PRODUCING PROPERTY, WHICH IT IS NOW. AND AS I SAID, THE VALUE ACCORDING TO THE APPRAISAL DISTRICT IS \$287,000. THE ANNUAL TAX ABATEMENT FOR AN INCOME PRODUCING PROPERTY IS \$2,004 A YEAR AND THE CITY TAX ABATEMENT WOULD BE \$525 A YEAR. OF COURSE, THAT WOULD GO UP IF IT WAS OWNER OCCUPIED, BUT I DIDN'T MAKE THAT CALCULATION BECAUSE AT THE TIME I DID THIS IT WAS AN INCOME-PRODUCING PROPERTY.

McCracken: AND SO WHAT ABOUT THE TAX CREDITS OR RESTORATION CREDITS THAT ARE AVAILABLE TO SOMEONE WHO RESTORES AN HISTORIC STRUCTURE?

THERE ARE IF IT'S INCOME-PRODUCING PROPERTY, IT COBBLE JIBL FOR -- ELIGIBLE FOR A TAX CREDIT PROJECT FROM THE STATE. BUT THE CITY, THE COUNTY, SCHOOL DISTRICT AND THE A.C.C. DISTRICT GIVE THE TAX EXEMPTION TO LANDMARKS IN ORDER TO FACILITATE AND ENCOURAGE PRESERVATION. SO THAT'S ALL THAT WE'VE GOT.

Mayor Wynn: THANK YOU. SO WE'LL CONSIDER THAT, COUNCIL, TO BE OUR APPLICANT PRESENTATION. AND AS YOU REMEMBER, WE NOW WILL HEAR FROM FOLKS IN FAVOR OF THE ZONING CASE AND THEN WE'LL HEAR FROM FOLKS IN OPPOSITION. AND THE APPLICANT WILL HAVE A REBUTTAL IF NEEDED. SO WITH THAT WE'LL START CALLING FOLKS WHO SIGNED UP IN FAVOR AND WISHING TO SPEAK. OUR FIRST SPEAKER IS LINDA MCNEILIGE. WELCOME. IS JAMES GRAPPE HERE? THANK YOU. JOHN LA BRUZA. AND JAMES POWELL?

HE HAD TO LEAVE.

Mayor Wynn: SO YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT.

YES, MAYOR WYNN. I WOULD LIKE TO REQUEST THAT STEVE COLBURN, WHO IS CHAIR OF OUR ZONING COMMITTEE, BE ABLE TO SPEAK FIRST, BEING FOLLOWED BY PAGE FREDERICK, WHO HAS DONE HISTORIC RESEARCH ON THIS HOUSE, AND THEN WE COULD HAVE THE REST OF THE SPEAKERS FOLLOW AFTER THAT.

Mayor Wynn: OKAY. WELCOME.

THANK YOU.

Mayor Wynn: THANK YOU, LINDA. AND LET'S SEE, IS RICHARD McCOWEN HERE? HELLO, RICHARD. SO STEVE, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

THANK YOU VERY MUCH. HONORABLE MAYOR, CITY COUNCIL, MY NAME IS STEVE COLBURN AND I AM THE CHAIR OF THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION ZONING COMMITTEE. AND I THINK AS STEVE SADOWSKY MENTIONED TO YOU, THERE'S LITTLE, IF ANY, DISPUTE AS TO THE HISTORIC NATURE AND VALUE OF THIS PROPERTY. IT IS -- THIS HOUSE IS ONE OF THE HISTORIC GENTLEMENS IN AUSTIN -- GEMS IN AUSTIN. AND ANYBODY WHO DRIVES UP WEST LYNN FROM SIXTH STREET, IT'S ONE OF THE FIRST THINGS YOU SEE AS YOU ENTER THE NEIGHBORHOOD, AND AS SUCH IT IS ESSENTIALLY A GATEWAY TO OUR NEIGHBORHOOD AND HELPS DEFINE THE HISTORIC NATURE OF OUR NEIGHBORHOOD. AND AS SUCH THE NEIGHBORHOOD IS EXTREMELY FOND AND SUPPORTIVE OF KEEPING THIS, IF THERE IS ANY POSSIBLE WAY THAT IT CAN BE DONE. LAST SPRING OVER THE COURSE OF ONE WEEKEND WE GOT APPROXIMATELY 450 SIGNATURES IN SUPPORT OF KEEPING THIS HOUSE AND ITS NEIGHBOR, 611. SO THE ISSUE THAT IS NOT THE HISTORIC NATURE AND VALUE OF THE PROPERTY, THE ISSUE IS THE PRACTICALITY TO RESTORE THIS PROPERTY TO BE HABITABLE. AND AS SUCH, THAT WAS MY CHARGE TO JESTER QUINTANILLA AND ASSOCIATES, THE STRUCTURAL ENGINEERING FIRM THAT

WE HIRED, AND THAT WAS OUR CHARGE, WHAT WOULD IT COST TO MAKE THIS STRUCTURE NICELY HABITABLE? NOT TO RESTORE IT, NOT TO MAKE IT INTO A MANSION, BUT TO MAKE IT NICELY INHABITABLE. AND THE ANSWER WAS THAT IT WOULD BE BETWEEN 60 AND \$100,000. AND THAT INCLUDED THE \$42,000 OR SO, 41,000 FOR THE STRUCTURAL WORK. IT WAS NOT IN ADDITION TO IT, I JUST WANT TO CLARIFY THAT. UP FORTUNATELY, JOHN RAFFE, THE PARTNER IN THE FIRM WHO DID THE WORK, IS -- CAN'T BE HERE NOW. HE WAS HERE EARLIER, BUT HE HAD TO LEAVE, SO HE'S NOT GOING TO BE ABLE TO ANSWER QUESTIONS ABOUT THE REPORT. AND I'LL BE GLAD TO DO WHAT I CAN. I SPOKE TO HIM AT LEFERKTH ABOUT IT AND HOPEFULLY CAN ANSWER YOUR QUESTIONS ABOUT THE REPORT. THIS HISTORIC HOUSE AND THIS SITUATION IS DIFFERENT FROM OTHER -- MOST OF THE OTHER ONES THAT COME BEFORE YOU. THE OTHER HOUSES THAT COME BEFORE YOU TYPICALLY FALL INTO TWO CATEGORIES, RIGHT? OWNER SUPPORTED AND THE ONES WHERE THE OWNER IS AGAINST IT. AND TYPICALLY THE OWNER HAS BEEN AN OWNER FOR A LONG TIME, AND FEELS SOMEWHAT BLINDSIDED BY THE HISTORIC PERHAPS. IN THIS CASE IT'S A DIFFERENT SITUATION. THE OWNER OF THE PROPERTY PURCHASED IT RECENTLY, AFTER IT WAS ALREADY IN THE PROCESS FOR HISTORIC ZONING, KNOWING FULL WELL WHEN HE SIGNED ON THE DOTTED LINE AND CLOSED ON THE PROPERTY, THAT IT WAS A POTENTIALLY HISTORIC PROPERTY. AND ALSO KNOWING FULL WELL THE CONDITION OF THE PROPERTY. AS A REASONABLE BUSINESSMAN, YOU WOULD THINK THAT THE PRICE THAT HE PAID REFLECTED FROM THE CONDITION OF THE PROPERTY AND THE HISTORIC -- POTENTIALLY HISTORIC NATURE OF THE PROPERTY AS WELL. AND THAT'S A VERY IMPORTANT POINT HERE BECAUSE WHAT WE HAVE HERE IS ESSENTIALLY A GAMBLE THAT IT COULD BE TORN DOWN AND PUT UP WHATEVER, SOME INCOME-PRODUCING PROPERTY, CONDOS OR WHATEVER, WHILE TEARING DOWN AN HISTORIC PROPERTY. AND WITH ALL DUE RESPECT TO HIM, THE NEIGHBORHOOD FEELS THAT THAT SENDS A VERY, VERY BAD PRECEDENT IN THE NEIGHBORHOOD PARTICULARLY AS WE'RE IN THE PROCESS OF BECOMING A NATIONAL HISTORIC DISTRICT. WE ALREADY HAVE OUR APPLICATION COMPLETE. AND OF COURSE WE WANT TO

BECOME A LOCAL HISTORIC DISTRICT. WE HAVE SEEN JUST OVER THE LAST COUPLE OF MONTHS INTENSE PRESSURE COMING TO US TO TEAR DOWN HOUSES SO THAT THEY CAN BEAT THE HISTORIC -- THE LOCAL HISTORIC DISTRICT. AND YOU'RE ESSENTIALLY GOING TO BE PROVIDING A PRECEDENCE HERE. ARE YOU GOING TO APPROVE THAT WE CAN TEAR DOWN THESE PROPERTIES WHEN PEOPLE COME - - THAT PEOPLE WITH CAN BUY IN HOPES OF TEARING THEM DOWN. WE UNDERSTAND THE PROPERTY IS IN BAD CONDITION, BUT WE DID OUR BEST DUE DILL DILIGENCE TO DETERMINE WHAT IT WOULD TAKE TO MAKE IT INHABITABLE AND IT SEEMS LIKE IT'S IN KEEPING WITH THE COST OF THE PROPERTIES IN THE NEIGHBORHOOD. AND AGAIN, WE BELIEVE THAT THE MARKET SHOULD HAVE -- THE MARKET PRICE OF THE HOUSE SHOULD HAVE REFLECTED THE CONDITION. AND THE HISTORIC NATURE OF THE PROPERTY. SO WE'RE ASKING YOU NOT TO SUPPORT THE PRECEDENT FOR BUYING A HOUSE POTENTIALLY HISTORIC AND TEARING IT DOWN BEFORE WE CAN BECOME AN HISTORIC DISTRICT. BUT TO TAKE THIS PROPERTY, WHICH EVERYONE AGREES IS TRULY HISTORIC AND TRULY IMPORTANT, AND HELP PRESERVE IT. WE'VE SPOKEN TO A REALTOR JUST VERY RECENTLY WHO MADE SOME SUGGESTIONS ABOUT POTENTIALLY SWIED SUBDIVIDING THE PROPERTY, WHICH IS VERY DEEP AND MOVING ANOTHER HOLD HISTORIC BUILDING ON TO THE BACK SIDE AND SELLING OR RENTING THAT OUT TO GENERATE FUNDS FOR THE WORK ON THE HOUSE. AND SO THERE ARE SOME OTHER WAYS THAT WE LOOKED AT THAT POTENTIALLY AT LEAST CONTRIBUTE TO THE COST OF REHABILITATING THIS HOUSE. FINALLY I JUST WANT TO SAY THAT I HAVE UNFORTUNATELY BEEN OUT OF COMMISSION THE LAST TWO WEEKS DUE TO SURGERY AND I HAVEN'T BEEN ABLE TO DO A LOT OF THE THINGS THAT I WOULD NORMALLY LIKE TO DO, ONE OF WHICH IS TO LET THE PEOPLE IN THE NEIGHBORHOOD KNOW THAT THEY SHOULD HAVE CONTACTED SARAH CROCKER BEFORE GOING ON TO THE PROPERTY. [BUZZER SOUNDS] AND I UNDERSTAND THAT SOME PEOPLE DID THAT, AND I TAKE RESPONSIBILITY FOR THAT AND APOLOGIZE FOR THAT. AND IT WAS NOT SOMETHING THAT WE AUTHORIZED OR TRIED TO DO, BUT IT WAS ALL DONE IN GOOD FAITH AND THE ZEAL OF TRYING TO KEEP THE PROPERTIES AROUND. SO IN CLOSING

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Mayor Wynn: PLEASE CONCLUDE. THANK YOU.

THANK YOU.

Mayor Wynn: SO PAGE FREDERICK? I BELIEVE YOU ARE GOING TO BE NEXT, IS THAT RIGHT?

YES, SIR.

Mayor Wynn: WELCOME. IS KATHLEEN LA VAI HERE?

SHE HAD TO LEAVE.

Mayor Wynn: HOW ABOUT ROSE MARY MILIAM? AND ROSE DICKEY. SO PAGE, YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT.

GOOD EVENING, MAYOR, COUNCILMEMBERS, WE APPRECIATE YOUR TIME. MY NAME IS PAGE FREDERICK, AND I AM A VERY PROUD CITIZEN OF AUSTIN AND A VERY PASSIONATE NEIGHBOR IN THIS NEIGHBORHOOD. AND I WANTED TO IN THE BEGINNING THANK YOU FOR YOUR TIME. WE HAVE BEEN WORKING ON THIS SINCE 2003, SO THE NEIGHBORHOOD HAS PUT A LOT OF TIME BOO THIS AND THE LIMITED TIME OF YOURS THAT WE HAVE I APPRECIATE IT. I HOPE YOU LOOK OVER THE PACKETS THAT ARE BEING DISTRIBUTED. A LOT OF THE INFORMATION IS IN THAT AND IT PROVIDES THE PICTURES AND INFORMATION. MOST OF THE HISTORIC RESEARCH THAT STEVE SADOWSKY ALREADY TALKED ABOUT IS ALSO IN THIS PACKET. AGAIN, I JUST WANTED TO REITERATE SOME OF THE HISTORIC INFORMATION AND ALSO AGAIN ADD MY COMMENTS TO SORT OF EMPHASIZE THAT THIS HOUSE WAS BUILT IN 1893. THIS HOUSE IS 112 YEARS OLD. AND FOR 20 YEARS IT WAS THE HOME OF TIMOTHY A. BROWN. AND MR. BROWN, AS YOU HEARD, WAS A VERY IMPORTANT PRINCIPAL AT PEASE ELEMENTARY. FOR 41 YEARS HE SERVED THIS CITY AND THE CHILDREN OF THIS CITY BY SUPPORTING THEM THROUGH THE LOCAL ELEMENTARY SCHOOL. AND IN FACT, HE ACTUALLY OVERSAW THE EDUCATION OF THREE GENERATIONS OF AUSTIN SCHOOL CHILDREN, OFTEN

EDUCATING THE GRANDCHILDREN OF HIS FIRST STUDENTS. IN RECOGNITION OF THAT, THE SCHOOL HAS PUT A PLAQUE OUT FRONT, AS STEVE TOLD YOU, THE PICTURE IS IN YOUR PACKET. THERE'S ALSO -- THE TIMOTHY A. BROWN ELEMENTARY WAS NAMED IN HIS HONOR. HIS WIFE WAS ALSO VERY INSTRUMENTAL IN THE LOCAL EDUCATION. SHE WORKED FOR OVER 25 YEARS GATHERING FUNDS, AND SHE'S BASICALLY CALLED THE MOTHER OF KIRBY HALL. AND KIRBY HALL WAS A HOME, A METHODIST WOMEN'S DORMITORY FOR WOMEN GOING TO U.T. SHE WAS ALSO VERY IMPORTANT IN THE EDUCATION OF AUSTIN'S CHILDREN. I ALSO WANT TO TELL YOU THAT AFTER LIVING AT 609 WEST LYNN, WHERE THE BROWNS LIVED FOR 20 YEARS, THEY MOVED TO A HOUSE ON -- AT 903 WEST 23rd STREET. THAT HOUSE IS NOW A CONDOMINIUM COMPLEX. SO WEST LYNN, THE 609 609 WEST LYNN HOUSE, THIS HOUSE, IS THE LAST EXISTING RESIDENCE OF THE BROWNS. I ALSO WANTED TO EMPHASIZE TO YOU THAT THIS PROPERTY ON WEST LYNN DOES NOT EXIST ON AN ISLAND. THIS HOUSE IS NOT ON 5,000 ACRES IN WEST TEXAS. THE OWNER KNOWINGLY BOUGHT AN OLD HOME IN AN OLD NEIGHBORHOOD WITH HISTORIC HOMES ON TWO SIDES. THE OWNER CLOSED ON THE SALE OF THIS PROPERTY AFTER THE HISTORIC PROCESS HAD ALREADY STARTED. AND WHILE THE PROPERTY OWNER HAS RIGHTS, THE RIGHTS OF THE SURROUNDING NEIGHBORS SHOULD NOT BE OVERLOOKED. THERE ARE HOMES ON TWO SIDES. WHAT HAPPENS AT 609 WEST LYNN WILL AFFECT THESE NEIGHBORS. THESE NEIGHBORS HAVE RIGHTS, WHICH DESERVE SERIOUS CONSIDERATION BY THIS COUNCIL. CONSIDER THIS: IF THIS HOME WAS NEXT DOOR TO ANY OF YOU IN DANGER OF BEING DEMOLISHED WITH THE POSSIBILITY OF THREE STORY CONDOS OR TOWN HOME COMPLEX GOING UP, HOW WOULD IT IMPACT YOU? AS NEIGHBORS WOULD YOUR RIGHTS DESERVE CONSIDERATION? FOR MY VIEW THE GREAT AMERICAN CITIES HAVE GREAT HISTORIC NEIGHBORHOODS. THINK CHICAGO, BOSTON, WASHINGTON, D.C. AUSTIN DESERVES THE SAME. PROGRESS DOES NOT ALWAYS MEAN NEW CONSTRUCTION. PROGRESS ALSO MEANS PRESERVATION. WHILE OUR NEIGHBORHOOD, OLD WEST AUSTIN, IS IN THE PROCESS OF APPLYING FOR A NATIONAL REGISTERED

HISTORIC DISTRICT STATUS, HISTORIC HOMES ARE BEING DMEL LISHD AND REMOVED. HOW IS AUSTIN SUPPOSED TO HAVE HISTORIC NEIGHBORHOODS IF WE KEEP LOSING HISTORIC HOMES. THINK ABOUT THAT. HOW IS AUSTIN SUPPOSED TO HAVE HISTORIC NEIGHBORHOODS IF WE KEEP LOSING HOCKEY HOMES? -- HISTORIC HOMES? AS YOU KNOW, HISTORIC HOMES ARE BEING LOST ALL OVER THE CITY. IN EAST AUSTIN AND SOUTH AUSTIN AND ALL NEIGHBORHOODS. THE CITY NEED YOUR HELP TO PRESERVE THE HISTORY OF AUSTIN. I URGE YOU TO DEMONSTRATE FOR THE CITIZEN OF THIS CITY THAT AUSTIN'S HISTORY IS IMPORTANT FOR THIS COUNCIL AND PROVE TO ALL THE CHILDREN WHO MAKE UP THE FUTURE OF AUSTIN THAT THIS COUNCIL HAS A LONG-TERM VISION THAT VALUES HISTORIC EDUCATION BY PRESERVING THIS PIECE OF HISTORY FOR THEM. RESPECTFULLY I STRONGLY URGE YOU TO VOTE IN FAVOR OF HISTORIC ZONING FOR 609 WEST LYNN. THANK YOU.

Mayor Wynn: THANK YOU, MS. FREDERICK. NOW I'LL GO BACK AND -- LINDA MCNEILAGE. IT SEEMS LIKE -- I CAN'T REMEMBER WHETHER JAMES GRAPPE, IS HE HERE?

YES.

AND JOHN LA BRUZA? HELLO, JOHN. AND JAMES POWELL.

NO. HE HAD TO LEAVE.

Mayor Wynn: THAT'S RIGHT. TO YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT.

THANK YOU VERY MUCH, MAYOR. GOOD EVENING, MAYOR WYNN, MAYOR PRO TEM GOODMAN AND COUNCILMEMBERS. I THINK IN THE MATTER OF 609 WEST LYNN, IT IS NOT A MATTER OF WHETHER THIS PROPERTY IS HISTORIC. IT INDISPUTABLELY IS. IT'S ALSO NOT A QUESTION OF WHETHER RECEIVE SADOWSKY AS THE CITY STAFF IS RUBBER STAMPING THIS PROPERTY AS HISTORIC. THIS HAS BEEN DESIGNATED AS A PRIORITY 1 FOR PRESERVATION FOR A VERY LONG TIME. AND STEVE SA DO YOU SI IS NOT SOMEBODY WHO RUBBER STAMPS HISTORIC PROPERTIES AND RECOMMENDS THEM. IT IS ALSO NOT A QUESTION OF

WHETHER THIS PROPERTY HAS BEEN NEGLECTED LIKE SO MANY HISTORIC PROPERTIES. IT HAS BEEN NEGLECTED. AND I THINK PARTLY THAT REFLECT THE FACT THAT IN NOT TOO DISTANT PAST FAMILIES LIVED IN HOUSES AND DID NOT MOVE. SO WHEN SOMEONE -- THE CHILDREN MOVED OUT, PEOPLE LIVED THERE UNTIL ONE SPOUSE DIED AND THEN CONTINUED TO LIVE THERE UNTIL THAT PERSON DIED. SO AS PEOPLE GOT OLDER, THEY DID NOT RESTORE AND MAINTAIN THE PROPERTIES AS THEY HAVE. I THINK WHAT IS A QUESTION IS -- IT'S ALSO NOT A QUESTION THAT THE OWNER WHO PURCHASED THIS PROPERTY DID IT WHILE THE HISTORIC ZONING PROCESS WAS IN EFFECT. AND IN FACT, A MAJORITY OF THE PLANNING COMMISSION MEMBERS VOTED IN FAVOR OF HISTORIC PRESERVATION FOR THIS. UNFORTUNATELY, THE ITEM DID NOT COME UP UNTIL ABOUT 12:30 AT NIGHT, AND SOME OF THE COMMISSIONERS HAD LEFT. SO FOUR COMMISSIONERS VOTED FOR PRESERVATION, THREE AGAINST. AND OTHER PEOPLE WENT HOME I GUESS BECAUSE THEY RETIRED AND I DON'T BLAME - - BECAUSE THEY WERE TIRED, AND QUO BLAME THEM. SO THERE WASN'T A QUORUM. WHAT IS THE QUESTION IS WHETHER THIS COUNCIL WILL UPHOLD THE RECOMMENDATIONS OF ITS CITY STAFF. AND WHETHER IT WILL UPHOLD THE MAJORITY VOTE OF THE PLANNING COMMISSION MEMBERS. AND WHETHER IT WILL UPHOLD THE PROVISION OF OUR NEIGHBORHOOD PLAN, WHICH IS AN ORDINANCE THAT SPECIFIES THAT HISTORIC BUILDING STOCK ARE A CHARACTER DEFINING FEATURE OF OUR CITY AND CANNOT BE REPLACED AND MUST BE PRESERVED. NOW, STUDIES DO SHOW REPEATEDLY ACROSS THE COUNTRY THAT THERE'S ECONOMIC VALUE TO CITIES TO HAVE PRESERVATION OF HISTORIC PROPERTIES. NOW, AUSTIN, UNTIL THIS LAST YEAR, HAS BEEN A BIT BEHIND THE CURVE FOR CITIES IN TEXAS IN TERMS OF HAVING LOCAL HISTORIC DISTRICTS. THANKFULLY WE HAVE RECENTLY CAUGHT UP WITH THE TASKFORCE THAT WAS HEADED BY BETTY BAKER. BUT UNFORTUNATELY, REAL ESTATE ENTREPRENEURS ARE CURRENTLY PURCHASING PROPERTIES OF HISTORIC SIGNIFICANCE AND FILING FOR DEMOLITION PERMITS IN ORDER TO DO THAT BEFORE WE CAN IMPLEMENT THE LOCAL HISTORIC DISTRICT IN OUR NEIGHBORHOOD AND IN THE CITY. SO AN ARGUMENT HAS

BEEN MADE THAT THIS PROPERTY IS NOT ECONOMICALLY FEASIBLE TO RESTORE. THAT WAS WHY AWANA, WITH VERY SCARCE FUNDS, ACTUALLY HIRED A STRUCTURAL ENGINEER TO FIND OUT WHAT IS THE STORY. MOSTLY WHEN WE GET ASSESSMENTS, YOU GET AT LEAST TWO OPINIONS. SO WE WANTED TO GET AN OPINION TOO. NOW, AS WE ALL KNOW, AT TRAVIS COUNTY APPRAISAL DISTRICT, THERE ARE SEVERAL FACTORS THAT GO INTO THE ASSESSMENT FOR A PIECE OF PROPERTY. ONE IS THE COST OF THE LAND, THE OTHER IS THE COST OF THE STRUCTURE. AND FACTORED INTO THE VALUE OF THE STRUCTURE IS THE CONDITION OF THE STRUCTURE. AND THERE'S NO QUESTION THAT THE CONDITION ON THIS SHOWS THE EFFECTS OF NEGLECT. NOW, I WANT TO CLARIFY WE HAVE USED THE TERM ABOUT WHETHER IT IS HABITABLE. THIS PROPERTY HAS BEEN HABITABLE, AND I DON'T THINK IT'S BEEN UNINHABITED FOR THE ENTIRE TIME I'VE LIVED IN THE NEIGHBORHOOD, WHICH IS SINCE 1970. SO IT IS HABITABLE. IT'S NOT HABITABLE AT THE LEVEL THAT YOU OR I WOULD WANT TO BE LIVING IN IT, BUT IT IS HABITABLE. NOW, THE CONDITION ON THE STRUCTURE IS UNQUESTIONABLY A FACTOR IN THE APPRAISAL VALUE, AND IN ITS MARKET VALUE. IT APPEARS THAT THE CURRENT OWNER WAS WILLING TO TAKE A GAMBLE IN PURCHASING THIS PROPERTY, IN BELIEVING THAT THIS COUNCIL WOULD NOT SUPPORT THE RECOMMENDATIONS OF CITY STAFF, WOULD NOT SUPPORT THE VOTE OF FOUR TO THREE BY THE PLANNING COMMISSION AND WOULD NOT SUPPORT THE PROVISION OF THE NEIGHBORHOOD PLAN TO PRESERVE HISTORIC HOUSING STOCK IN OUR NEIGHBORHOOD. AND MAYBE THAT THIS COUNCIL WOULD NOT BELIEVE THAT THERE IS ECONOMIC VALUE TO THE CITY OF AUSTIN TO PRESERVE THE HISTORIC BUILDINGS IN OUR NEIGHBORHOOD. IN THIS BOOK, WHICH SOME OF YOU MAY BE FAMILIAR WITH, IT'S CALLED AUSTIN, THE PATH STILL PRESENT. IT WAS WRITTEN IN 1975 IN PART BY SUE McBEE, WHO SOME OF YOU MAY BE FAMILIAR WITH. THE AWE 'THEY ARE'S BRIEF SUMMARY OF A SAMPLING OF HISTORIC PROPERTIES THAT HAD BEEN AT THAT TIME PRESERVED OR HEABTED, AND I'D LIKE TO READ YOU A SECTION FROM THE BROWKS. THEY SAY AUSTIN AS THE CAPITAL OF TEXAS IS THE TRUE HOMETOWN OF ALL TEXANS. WHATEVER IS PRESERVED OF ARCHITECTURAL

HERITAGE IS A LEGACY FOR THOSE WHO WILL WALK ITS PATH IN THE YEARS TO COME. THIS BOOK IS A SAMPLE OF AUSTIN'S INTERESTING EARLY BUILDINGS. OTHERS WAIT TO BE REDISCOVERED AND THEN RETURNED TO LIFE. WELL, I BELIEVE THAT 609 WEST LYNN IS ONE SUCH HOUSE. IT HAS BEEN REDISCOVERED. IT'S BEEN IDENTIFIED FOR CLEAR HISTORIC REASONS AND TIES TO THE CITY OF AUSTIN. AND THE QUESTION NOW WILL BE WILL IT BE LOST FOREVER OR WILL IT BE GRANTED HISTORIC STATUS SO THAT SOMEONE, EITHER THIS OWNER OR ANOTHER CAN RETURN IT TO LIFE JUST AS THESE PROPERTIES WERE REHABILITATED AND RETURNED TO LIFE PRIOR TO 1975. THE DECISION RESTS IN YOUR HANDS. PLEASE HELP US. WE DO LOVE THIS CITY, AND I KNOW YOU DO TOO. THANK YOU.

Mayor Wynn: THANK YOU. LAURA MORRISON? WELCOME, LAURA. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY JOHN GRAPPE.

GOOD EVENING, MAYOR AND COUNCILMEMBERS, MY NAME IS LAURA MORRISON. BEYOND THE DETAILS THAT YOU WILL HEAR ABOUT THIS CASE TONIGHT IS AN IMPORTANT LARGER QUESTION, AND THAT IS SHOULD THE CONDITION OF A PROPERTY BE A FACTOR IN CONSIDERATION FOR HISTORIC ZONING, AND IF SO, WHAT IS THE THRESHOLD FOR THE CONDITION THAT IS ACCEPTABLE? AS LINDA MENTIONED, ALTHOUGH THIS CASE CAME TO YOU WITHOUT A RECOMMENDATION FOR PLANNING COMMISSION, THE VOTE THERE WAS FOUR TO THREE FOR HISTORIC ZONING, AND THEIR DISCUSSION ON THE ITEM DID CONSIDER THIS LARGER QUESTION. COMMISSIONER SULLIVAN NOTED THAT A PROPERTY SHOULD BE ZONED HISTORIC IF IT'S HISTORIC INDEPENDENT OF WHETHER OR NOT IT'S HABITABLE. AND COMMISSIONER CORTEZ IN VOTING FOR HISTORIC ZONING ACKNOWLEDGED THAT IT WAS A DIFFICULT SITUATION, BUT THAT WE HAVE TO PROTECT HISTORIC PROPERTIES, AND THAT'S WHY WE HAVE THE HISTORIC ZONING ORDINANCE. AND I'D LIKE TO ADD TO THAT THAT HERE IS A SECOND RELEVANT ORDINANCE AND THAT IS THE OLD WEST AUSTIN NEIGHBORHOOD PLAN, WHICH FEATURES AS AN OVERALL VISION THAT ALL HISTORIC PROPERTIES MUST BE TARGETED FOR PRESERVATION. SO WE'RE REALLY TALKING ABOUT TWO APPLICABLE LAWS HERE. WE CAN TAKE IT TAZ

FACT AS THE PROPERTY IS HISTORICALLY SIGNIFICANT. THAT IT'S PRESERVATION IS A HIGH PRIORITY FOR THE CITY. AND BASE THE ON THE REPORT FROM A REPUTABLE ENGINEER THAT THE PROPERTY CAN BE MADE ADEQUATELY HABITABLE. SO THIS TAKES US THEN TO THE REFINED QUESTION OF WHAT IS THE THRESHOLD FOR ACCEPTABLE COST TO MAKE FOR REHABILITATION IF WE'RE GOING TO ZONE SOMETHING HISTORICAL? AND HERE I THINK YOU'RE GOING TO HEAR THAT WE HAVE CONFLICTING ENGINEERING ASSESSMENTS. HOWEVER, THE BOTTOM LINE IN THIS CASE IS THAT THE OWNER KNEW THAT AN HISTORIC ZONING CASE WAS IN PROCESS WHEN HE PURCHASED THE PROPERTY, AND THAT THE PLANNING COMMISSION CHAIR RILEY NOTED THAT WOULD BE A FACTOR IN THE PURCHASE PRICE. SO MAKE NO MISTAKE YOUR DECISION TODAY IS BEING CLOSELY MONITORED BY SPECULATIVE INVESTORS INTERESTED IN PROPERTY IN OLD WEST AUSTIN. AND THE VOTE AGAINST HISTORIC ZONING WILL SAY TO THEM THAT THE GAIN -- TO GAIN APPROVAL FOR DEMOLITION OF A PRIORITY HISTORIC PROPERTY, ALL YOU NEED TO DO IS ALLOW THE PROPERTY TO DETERIORATE TO A CERTAIN GIVEN LEVEL THAT WE'LL GET SOME IDEA ABOUT TONIGHT POSSIBLY. I HOPE NOT. SO I URGE YOU NOT TO SEND THAT MESSAGE AND INSTEAD THAT YOU APPROVE ZONING, THE ZONING, AND TELL THE PUBLIC THAT YOU'RE HERE TO PROTECT HISTORIC PROPERTIES THAT BRING SO MUCH TO OUR CITY. THANK YOU.

Mayor Wynn: JOHN WRATH? HE SIGNED UP WISHING TO SPEAK, IN FAVOR OF THE ZONING CASE. CHARLES YISCO. YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY BRYAN APOPP [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

VOTE, THAT'S BECAUSE -- ACTUALLY I WANT TO TALK TO YOU AS AN INVESTOR IN REAL ESTATE PROPERTY. THAT'S ONE OF THE THINGS THAT I DO IN ADDITION TO MY OTHER JOB THAT COUNCILMEMBER SLUSHER HAS SEEN ME AT. BASICALLY, MYSELF AND OUR -- THE GUYS THAT I DO INVESTING WITH, WE ARE BASICALLY WHAT WE CALM A VALUE REAL ESTATE INVESTOR. WE LOOK FOR UNDERVALUED, NEGLECTED PROPERTIES WHERE THERE'S AN OPPORTUNITY TO COME IN AND IMPROVE THE

PROPERTY, DO SOME REHABILITATION, HOLD THE PROPERTY FOR SEVERAL YEARS, FIVE TO 10, TRY TO CONTINUALLY IMPROVE THE PROPERTY AS WE GO, AND THEN ULTIMATELY SELL IT AND MAKE OUR PROFIT THERE. NOT NECESSARILY GENERATE INCOME ON IT EVERY YEAR. SO WE HAVE SOME GUIDELINES THAT WE TEND TO FOLLOW WHEN WE DO THAT. THE PROPERTY HAS GOT TO BE ECONOMICALLY AVAILABLE ON ITS OWN MERITS. WE DON'T CONSIDER PROPERTIES WHERE THERE'S OPPOSITION FROM NEIGHBORS, NEIGHBORHOODS, STATE AND LOCAL GOVERNMENT ENTITIES. WE DON'T MAKE INVESTMENTS THAT REQUIRE US TO HIRE EXPENSIVE PROFESSIONALS TO ARGUE OUR CASE BEFORE THOSE BODIES TO EVEN GET OUR INVESTMENT STARTED. AND WE DON'T BUY OR EVEN AGREE TO A PURCHASE PRICE THAT REQUIRES US TO OBTAIN SOME SORT OF A PERMIT OR APPROVAL. WHY DO WE TAKE THIS APPROACH? WELL, WE CONSIDER OURSELVES BEFORE YOU PRUDENT BUSINESSMEN. WE DON'T HITCH OUR CARTS TO A HORSE THAT WE DON'T HOLD THE REINS TO. WE DON'T VOLUNTARILY ADD RISK. I'M SURE THAT YOU ARE GOING TO HEAR THE OPPOSITION ARGUE AND OTHERS THAT IT'S NOT ECONOMICALLY VIABLE TO REHABILITATE THIS HOUSE. THEY WILL TELL YOU THAT DEMOLITION IS THE ONLY ALTERNATIVE. DEMOLITION AND REHABILITATION THAT'S NOT REALLY THE QUESTION. THEY ARE BOTH VOLUNTARY RISKS THAT THE NEW OWNER ASSUMED WHEN HE BOUGHT THIS PROPERTY. IT'S NOT YOUR RESPONSIBILITY TO REMOVE OR REDUCE AN INVESTOR'S INVESTMENT RISK. SIMILARLY, IT IS NOT YOUR RESPONSIBILITY TO MAKE CERTAINLY MINE OR ANY OTHER PERSON'S INVESTMENT IS A GOOD ONE. THAT'S ALL THAT I HAD TO SAY. THANKS.

THANK YOU.

Mayor Wynn: THAT'S ALL WHO SIGNED UP WISHING TO SPEAK IN FAVOR. WE WILL START WITH OPPOSITION. HUNTER GOODMAN. MAYBE NOT.

I AM NOT HUNTER GOODWYNN, MY NAME IS SARAH PARK HE, I WOULD LIKE TO BE THE PRINCIPAL SPEAKER FOR THOSE IN OPPOSITION IF THAT'S ALL RIGHT WITH YOU, MAYOR.

Mayor Wynn: SURE, WE HAVE A NUMBER OF FOLKS WHO ARE OFFERING TO DONATE TIME. EITHER TO MS. CROCKER OR MR. GOODWIN, ARE YOU SUGGESTING THAT YOU WILL TAKE THEIR TIME.

I BELIEVE THE MOST THAT I WOULD WANT WOULD BE 8 MINUTES, I BELIEVE MR. GOODWIN WILL FOLLOW ME, GARY GARCIA OUR STRUCTURAL ENGINEER, THAT WILL WRAP IT UP.

KERRY BLAKELY HERE?

RIGHT THERE.

HELLO, KERRY. HOUR ABOUT CHARLES WILLIAMS? CHARLES WILLIAMS HERE. HOW ABOUT DANNY DISHMAN? HELLO, DANNY. MS. CROCKER YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT.

THANK YOU. GOOD EVENING, LADIES AND GENTLEMEN OF THE COUNCIL, MY NAME IS SARAH CROCKER, I'M HERE TONIGHT ON BEHALF OF HUNTER GOODWIN. YEAH, I'VE BEEN DOING THIS FOR A LONG TIME, I GUESS I CAN'T FIGURE OUT WHAT THE MIDDLE GROUND IS. AS YOU KNOW MOST OF THE CASES THAT COME IN FRONT OF YOU, WHETHER IT'S ZONING CASE, SITE PLAN CASE, ANY KIND OF A CASE, THE GENERAL RULE OF THUMB HERE IN THE CITY OF AUSTIN BECAUSE OF OUR MANY REGULATORY RULES AND THE DIFFERENT HOOPS THAT YOU HAVE TO JUMP THERE IS THAT -- THROUGH IS THAT PEOPLE TOO NOT PURCHASE PROPERTY UNTIL ALL OF THE APPROVALS HAVE BEEN OBTAINED. GENERALLY MOST OF MY CLIENTS WILL NOT PURCHASE OR CLOSE ON A PIECE OF PROPERTY UNTIL THEY EITHER GET A SITE PLAN APPROVED AND RELEASED OR THEY GET A BUILDING PERMIT AND A C OFF R OF O. I HAVE HEARD A LOT OF STATEMENTS TONIGHT THAT MR. GOODWIN SHOULD BE LOOKED UPON AS SOMEBODY WHO STEPPED INTO THE FRAY AND WE NEVER MADE STATEMENT AT A PUBLIC HEARING, NOR WILL I TONIGHT, THAT YOU SHOULD TAKE PITY ON MR. GOODWIN BECAUSE HE'S PURCHASED A PROPERTY WITH A HOUSE THAT'S IN THIS CONDITION. THE PRIMARY REASON FOR THAT IS MR. DILDY WHOSE FAMILY HAS OWNED THIS HOUSE FOR A LONG TIME AS IN

OPPOSITION TO HISTORIC ZONING. WHICH IT WAS INITIATED IN 2003 WHICH WAS THE RESULT OF A DEMOLITION PERMIT BEING FILED BY ANOTHER PARTY, MR. DILLEY WAS IN OPPOSITION THEN AND HE WAS IN OPPOSITION NOW. HE WAS IN OPPOSITION UP UNTIL THE TIME THAT MR. GOODWIN PURCHASED THE PROPERTY FROM HIM. THAT PRESENTS TWOFOLD ISSUE HERE. MY CLIENT CLOSED ON THIS PROPERTY BECAUSE MR. DILLEY IS IN HIS 80s, HE HAS HAD A STROKE AND LIVES OUT OF TOWN. AS A RESULT OF SIX MONTHS OF RESEARCH ON THIS HOUSE, WHICH MY CLIENT PAID FOR, HE STOOD TO BE LIABLE FOR THE ISSUE OF WHETHER OR NOT THIS HOUSE WAS STRUCTURALLY SOUND WITH TWO PEOPLE LIVING IN IT, THAT HAD TO BE EVICTED, AND WE HAD AN ELDERLY GENTLEMAN WHO WAS NOT -- DIDN'T FEEL UP TO THAT TASK AND WAS VERY CONCERNED ABOUT WHAT WOULD HAPPEN. WE ARE SITTING THERE IN A HOUSE WITH OUR STRUCTURAL ENGINEER SAYING IT'S NOT FIT FOR HABITATION AND LIABILITY ISSUES SITTING THERE. HE FELT LIKE HE HAD NO OTHER CHOICE AT THAT POINT. BUT TO GO AHEAD AND CLOSE ON THE HOUSE. AND THAT HAS NEVER BEEN A CORNERSTONE OF ANY ARGUMENT THAT WE HAVE MADE TO ANYBODY. HE BASICALLY DID WHAT MOST DEVELOPERS WON'T DO AND THAT IS HE STEPPED UP TO THE PLATE BECAUSE HE FELT THAT HE HAD A SENSE OF RESPONSIBILITY TO MR. DILDY, ALSO THE LIABILITY WITH THE STRUCTURAL ENGINEERS REPORT IN HIS FILE, THAT'S WHY HE CLOSED ON THE HOUSE. AND I'M SORT OF AMAZED THAT'S BEEN USED AS THE CORNER OF STONE OF AN ARGUMENT ABOUT WHY YOU SHOULD GRANT HISTORIC ZONING BECAUSE YOU HAD A YOUNG MAN WHO ACTUALLY STEPPED UP AND DID THE RIGHT THING IN THIS SITUATION IN MY OPINION WITH MR. DILDY. I DO WANT TO MAKE IT QUITE CLEAR THAT THE DILDYS WERE IN OPPOSITION TO THE HISTORIC ZONING ON THIS PROPERTY. I HANDED OUT MAPS BECAUSE IT'S VERY IMPORTANT, THERE ARE A COUPLE OF THINGS MR. SADAM HUSSEIN--MR. SADOWSKY SAID. HE HASN'T BEEN MODIFIED. 1922, 1935 MAPS, YOU WILL SEE THAT THE HOUSE HAS UNDERGONE SIGNIFICANT ADDITIONS AND RENOVATIONS. IN THE STAFF REPORT PREPARED FOR THE 2003 CASE, THAT AGAIN IS REFERENCED THAT OF THE NUMEROUS ADDITIONS THAT WERE DONE TO THE HOUSE BETWEEN 1922 AND 1935 AND IN FACT THIS HOUSE

PROBABLY STARTED OUT AS A ONE-STORY THREE-ROOM STRUCTURE BECAUSE THE ORIGINAL FIVE [INDISCERNIBLE] CAN BE SEEN IN THE CLOSET. THERE HAVE BEEN SIGNIFICANT ALTERATIONS DONE IN THIS HOUSE 7 DONE FROM 1922 ON. MR. DILDY HIMSELF TALKED ABOUT THE ADDITION THAT HE MADE TO THE REAR OF THE HOUSE. WITHOUT A PERMIT BUT HE MADE IT. THIS HOUSE IS NOT IN THE ORIGINAL CONFIGURATION, NOT IN THE -- IN WHAT COULD BE CONSIDERED IN ANY WAY, SHAPE OR FORM PRISTINE SHAPE. MADE A LOT OF POINTS ABOUT THIS -- EVERYTHING THAT THEY HAVE DONE AND WHAT THE NEIGHBORHOOD PLAN SAYS ABOUT STRUCTURES. WELL, THIS CASE WAS INITIATED IN 2003. AS A RESULT OF THE DEMOLITION PERMIT. THAT'S WHERE YOU SEE MOST OF YOUR HISTORIC ZONING CASES. NOT SOMETHING THAT IS BROUGHT FORWARD BY THE OPENER. MOST OF THE ONES THAT I HAVE SEEN DOWN HERE AND PARTICIPATED IN THE LAST COUPLE OF YEARS HAVE BEEN AS A RESULT OF SOMEBODY FILING A DEMOLITION PERMIT. THAT CASE WENT TO THE LANDMARK COMMISSION IT WAS APPROVED, THE CASE WAS INITIATED AND STAFFED, THERE WAS A LETTER IN THE FILE THEY WERE GOING TO TAKE THE CASE FORWARD AS THEY COULD HAVE TO THE PLANNING COMMISSION AND TO THE COWBOY TO HAVE THESE INSTRUCT -- TO THE COUNCIL TO HAVE THESE STRUCTURES ZONED HISTORIC. THERE WAS A LETTER IN THE FILE BECAUSE THIS WAS TWO PROPERTIES. MR. [INDISCERNIBLE] IT IS REALLY A WONDERFUL HOUSE, IN REALLY GREAT SHAPE. AND SHE WROTE A LETTER OR HER DAUGHTER DID ON HER BEHALF AND SAID THAT THEY WERE IN FAVOR OF HISTORIC ZONING. SO YOU HAD ONE WILLING PROPERTY OWNER, YOU HAD ONE UNWILLING PROPERTY OWNER THEN A DEVELOPER WHO DROPPED THE CONTRACT. GUESS WHAT? STAFF DIDN'T TAKE THAT CASE FORWARD AND FINISH IT UP AND ZONE THIS PROPERTY HISTORIC, WHICH THEY COULD HAVE DONE. THE CASE WAS STARTED. THE NEIGHBORHOOD, NOBODY CAME FORWARD AND INSISTED THAT THAT CASE BE FINISHED. IF THAT HAD OCCURRED I WOULDN'T BE STANDING HERE TONIGHT. BUT IT DIDN'T HAPPEN BECAUSE THE APPLICANT WENT AWAY. THE THREAT WENT AWAY. SO THE CASE WENT AWAY. ARE WE USING HISTORIC PRESERVATION AS AN OFFENSE OR JUST A DEFENSIVE

POSITION. ONCE YOU ARE SITTING HERE TONIGHT
LOOKING AT A CLASSIC EXAMPLE OF A HOUSE COULD
ALREADY HAVE A PLAQUE ON IT. IT COULD ALREADY BE
ZONED HISTORIC AS COULD THE ADJACENT PROPERTY
BECAUSE THE CASE WAS INITIATED IT JUST WAS NEVER
FOLLOWED THROUGH ON. STAFF DIDN'T FINISH IT AND THE
NEIGHBORHOOD DID NOT CLAMOR AND INSIST THAT THEY
DID IT EITHER BECAUSE THEY HAD WON THE DEVELOPER
WENT AWAY. [INDISCERNIBLE] THIS PROPERTY LAST
SUMMER AND CALMED, HE DIDN'T UNDERSTAND -- CALLED
ME, HE DIDN'T UNDERSTAND, LIKE MOST PEOPLE HE DIDN'T
KNOW ANYTHING ABOUT HISTORIC PROPERTIES. WHEN I
WALKED ON TO THE TRACT I TOOK ONE LOOK AND SAID WE
HAD BETTER CHECK ON WHETHER OR NOT IT'S GOT A
PRIORITY I OBJECTDEX, JERRY GARCIA WAS HIRED FOR ONE
REASON ONLY. WE HAVE WORKED ON A NUMBER OF
HISTORIC PROPERTIES TOGETHER IN DOWNTOWN AUSTIN.
SEVERAL YEARS AGO I HAD A CASE WHERE MY CLIENT
WANTED TO TEAR DOWN HIS HOUSE, THERE WAS AN
HISTORIC ZONING CASE INITIATED JERRY WORKED FOR
FREE FOR THE NEIGHBORHOOD AGAINST ME BECAUSE HE
FELT THAT STRONGLY ABOUT THAT HOUSE AND THE
STRUCTURAL INTEGRITY OF THAT HOUSE. SO I KNEW THAT
IF JERRY GARCIA CAME OVER AND LOOKED AT THIS HOUSE
AND TOLD ME IT COULD NOT BE SAVED IT COULDN'T BE
SAVED. AND I -- THAT IS THE PRIMARY SOLE REASON THAT
HE'S ON BOARD, HE WILL BE IN FRONT OF YOU TONIGHT. I
DON'T KNOW OF ANY ENGINEER IN TOWN THAT SPENT AS
MUCH TIME AND PUT HIS HEART INTO HISTORIC
STRUCTURES AS JERRY GARCIA. HE'S A MAN OF HIS WORD
AND HE TOLD ME BEFORE HE CAME OVER HERE TO LOOK AT
THIS HOUSE BECAUSE OF ITS PRIORITY INDEX, IF IT COULD
BE SAVED HE WOULD DO WHATEVER HE COULD TO KEEP ME
FROM INITIATING ANY KIND OF A CASE TO TEAR THIS HOUSE
DOWN. SO AFTER HE CAME OVER AND WALKED THROUGH
THE HOUSE AND HE SAID SEVERAL ON-SITE INSPECTIONS HE
BASICALLY STOOD IN THE YARD AND SAID HE DIDN'T THINK
ANYTHING ABOUT THE DOORS AND WINDOWS COULD BE
SAVED, I FELT CONFIDENT THAT WE HAD A STRUCTURE THAT
HAD BEEN SO SEVERELY COMPROMISED IT COULD NOT BE
SALVAGED. YOU WILL SEE THE PICTURES HERE. WE'VE
HANDLED OUT, THE FIRST PICTURE IS A PICTURE OF THE

PLUMBING ON THE SIDE OF THE HOUSE, BASICALLY PULLED AWAY AND BOWED OUT. IT'S IN YOUR PACKET. THIS IS -- THIS IS A RESULT OF THE SHIFT IN THE HOUSE. THIS HOUSE SITS ON PIERS AND HAS POOR SITE CRAIJ, FOR CAREERS THAT WATER HAS BEEN RUNNING UNDER THE HOUSE, LIKE SITTING ON A SPONGE. AND ALL OF THE ORIGINAL PIERS DO NOT TOUCH THE FRAME OF THE HOUSE ANY LONGER, THE HOUSE IS SHIFTING VERTICALLY. DIFFERENT DIRECTIONS. DIFFERENT FLOOR LEVELS, WINDOW SILLS ARE ASKEW, THAT'S THE RESULT THAT YOU SEE ON THE OUTSIDE. THE SECOND PICTURE A TREE ON THE BACK ADDITION THAT'S BASICALLY HOLDING THAT PART OF THE HOUSE UP. IT HAS LITERALLY LEANED UP AGAINST IT, KNOCKED THE FLASHING AND EVERYTHING ELSE OFF, SORT OF GROWING AROUND THE TREE. THE THIRD PICTURE THAT YOU WILL SEE HERE IS OF THE FRONT PORCH WHERE YOU SEE SETTLING AND THE FOUNDATION WHERE IT'S LITERALLY SEPARATING FROM THE HOUSE FROM THE FRAME OF THE HOUSE. THIS GOES ON ALL OVER THE PLACE. IN THE BATHROOMS, IN THE DIFFERENT ROOMS, YOU WILL HAVE DOORS THAT WON'T CLOSE, WINDOW SILLS THAT ARE LIKE I SAID TOTALLY ALMOST ON A 90-DEGREE ANGLE. THE SECOND PICTURE IS AGAIN THE SPACE BETWEEN WHAT IS THE FOUNDATION ON THE FRONT PORCH AND THE HOUSE ITSELF. THE FOURTH PICTURE, I WILL WRAP UP, MAYOR. [BUZZER SOUNDING] OUTDOOR SHOWER BECAUSE THE CURRENT TENANTS OR THE ONES THAT JUST MOVED OUTLET COULDN'T -- DIDN'T -- THEY NO LONGER HAD A WORKING BATHROOM OR RUNNING WATER TO TAKE A SHOWER. THANK I.

Mayor Wynn: THANK YOU, MS. CROCKER. HUNTER GOODMAN OR DO YOU WANT JERRY GARCIA TO GO FIRST? MR. GARCIA, WELCOME. YOU'LL HAVE THREE MINUTES.

I HAVE A LOT TO COVER SO I WILL TRY TO SPEAK QUICKLY. MAYOR, COUNCILMEMBERS, I'M JERRY GARCIA, A STRUCTURAL ENGINEER, BEEN PRACTICING IN AUSTIN FOR THE LAST 26 YEARS AND HAD MY OWN COMPANY FOR THE LAST 15 YEARS, AS SARAH MENTIONED WE DO A LOT OF HISTORICAL WORK IN AUSTIN, A LOT OF ADAPTIVE REUSE OF CONGRESS AVENUE, PENN FIELD, CURRENTLY WORKING ON THE DEEP EDDY POOL HOUSE FOR FREE. THIS IS NOTHING NEW TO US. THE BUILDING INDEED IS CHARMING FROM THE

PHOTOGRAPH THAT YOU HAVE SEEN. THE ELEVATION FROM THE STREET, THAT'S WHERE IT END, UNFORTUNATELY. BEING -- BEING IN THE BUILDING A NUMBER OF TIMES, BEING ALL OVER THAT BUILDING, IT IS TRULY UNSAFE. THE UNDERSIDE IS PROPPED UP AS SARAH SAID, THE BEAMS ARE NOT EVEN TOUCHING THE ORIGINAL FOOTINGS, WHEN I FIRST WENT UNDER THERE I WAS CONCERNED FOR THE PEOPLE THAT WERE CURRENTLY AT THE TIME LIVING THERE. AND I TOLD HUNTER THAT THEY NEED TO BE ASKED TO LEAVE. BECAUSE IT IS AN UNSAFE BUILDING. THE WATER HAS BEEN COMING AT THE BUILDING FOR MANY, MANY YEARS. I HAVE BEEN PASSING THIS HOUSE FOR 20 YEARS PLUS. THIS LOOKED JUST LIKE THIS. IT'S A TRAGEDY THAT IT HASN'T BEEN ADDRESSED EARLIER. BUT YEARS AND YEARS OF WATER COMING OUT OF THE BUILDING FROM ABOVE, LEAKING ROOF, FROM FRONT, WATER UNDER AND AROUND THE BUILDING, EXTERIOR STUDS ARE DAMAGED, DETERIORATED. I KNOW MR. ROTH VERY WELL, I USED TO WORK WITH HIM AT JASPER QUINTANILLA. HE SAID IT WOULD TAKE \$100,000 TO FIX THE FOUNDATION. IT WOULD LEVEL THE BUILDING, BUT DOESN'T ADDRESS THE SITE, STUDS, MOVEMENT THAT WOULD BE ASSOCIATED WITH LEVELING IT, THE BREAKING OF THE WINDOWS, THE DOORS, THE ROOF, EVERYTHING AS A RESULT WOULD HAVE TO BE REDONE. HONESTLY, IT WOULD PROBABLY TAKE THE BETTER PART OF A MILLION TO GET THE BUILDING WHERE IT NEEDED TO BE. I -- AND THAT'S ME SPEAKING AS AN ENGINEER. AS A CITIZEN, IT'S REALLY A SHAME. IT'S REALLY A SHAME BUT KNOWING WHAT I KNOW AND THE EXPERIENCE THAT I HAVE, I -- I'M VERY RELUCTANT TO SAY THINGS ABOUT HISTORICAL BUILDINGS. I DO CHERISH THEM. MY SON GOES TO KIRBY HALL SCHOOL SO I HAVE TO FACE HIM ON THIS ONE. ON THIS ONE I THINK THAT YOU NEED TO CUT BAIT. I DON'T KNOW THAT ANYONE WOULD GO IN THERE AND PUT THE MONEY INTO THIS BUILDING NECESSARY TO MAKE IT RIGHT. MY FEAR IS IF IT WAS ZONED HISTORIC THAT IT WOULD BE LEFT TO ITS OWN DEVICES AND IT WOULD JUST COLLAPSE. THEN CERTAINLY IT WOULD BE GONE FOREVER. SO THAT'S BASICALLY HOW I FEEL ABOUT IT STRUCTURALLY AND AS A CITIZEN. IF THERE'S ANY QUESTIONS I WILL BE HAPPY TO ADDRESS ANY QUESTION THAT'S ANY OF YOU ALL MIGHT

HAVE IN REGARD TO THE BUILDING.

THANK YOU, MR. GARCIA. COUNCILMEMBER SLUSHER?

I KNOW THERE'S DISCUSSION ABOUT WHETHER IT SHOULD BE CONSIDERED IN IT, BUT -- BUT HOW MUCH DO YOU THINK IT WOULD COST TO MAKE IT HABITABLE?

WELL, THE BUILDING IS ONE THING. AGAIN THE SITE HAS BEEN NEGLECTED FOR MANY YEARS. IT BEEN MISMANAGED. SO THE WATER COMES AT THE BUILDING. SO EVEN IF YOU FIX THE STRUCTURE YOU STILL HAVE TO ADDRESS THE SITE ISSUES. IT WOULD PROBABLY TAKE -- TAKE \$800,000 TO GET THE HOUSE WHERE IT NEEDED TO BE BUT THE HOUSE WOULD STILL BE A DUPLEX. IT'S A DUPLEX. THE STAIRS GO FROM THE FRONT DOOR, FRONT PORCH UP TO THE SECOND LEVEL. UPPER AND LOWER LEVEL DID NOT MEET INSIDE THE BUILDING. SO IN ORDER TO MAKE IT ONE -- ONE FAMILY HOME YOU NEED ON TOP OF THAT ARCHITECTAL FEE, STRUCTURAL FEES, YOU STILL DON'T HAVE A GARAGE, DRIVEWAY, LANDSCAPING, IT WOULD TAKE A TREMENDOUS AMOUNT OF MONEY TO MAKE THIS -- THE HOUSE THAT IT DESERVES TO BE. BUT I HONESTLY DON'T THINK THAT ANYONE WOULD PUT THAT KIND OF MONEY INTO THIS BUILDING. CERTAINLY IT HAS SOME STREET APPEAL, VERY CHARMING. EVEN FROM THE PHOTOGRAPH OF THE ELEVATION YOU CAN SEE THE SOUTH END OF IT DROPPING GOING STRAIGHT DOWN. AS A RESULT THE PLUMBING ON THE OUTSIDE, WHICH SHOULD BE INSIDE IS BUCKLING. THERE'S WATER UNDER THE BUILDING. ALSO ISSUES WITH MOLD, ISSUES ON-- SO THIS BECOMES A HEALTH ISSUE ON TOP OF IT. IT GOES FAR BEYOND THE STRUCTURAL INTERESTING STEVE THE BUILDING. THE -- THE BUILDING AS OLD AS IT IS, THE PROOF IS PROBABLY TWO-BY-FOURS, BUILDING IN THAT HOME BECAUSE IN THAT AGE WERE MADE WITH TWO-BY-FOURS, NO MATTER WHAT YOU DID YOU PROBABLY COULDN'T GET IT UP TO CURRENT CODE, CERTAINLY ASKING PRICE FOR -- FOR A REHABED HOUSE OF THIS NATURE WOULD BE PRETTY DOGGONED HIGH. YOU WOULD NEED TO GET EVERYTHING WHERE IT NEEDED TO BE FROM A CODE STANDPOINT. AS OLD OF A HOUSE AS IT IS, IF THIS HAPPENED 20, 30 YEARS AGO, WE WOULDN'T HAVE THIS PROBLEM TODAY. BUT NOTHING HAS BEEN DONE. IT'S BEEN

SITTING THERE AND WATER -- IN WATER ALL OF THESE YEARS. IT'S WOODEN, WOODEN HOME, WOOD HAS A LIFE SPAN AND IT'S -- IT HASN'T FARED WELL, JUST HASN'T.

Slusher: THANK YOU, MR. GARCIA.

Mayor Wynn: THANK YOU, MR. GARCIA. OUR NEXT SPEAKER WILL BE HUNTER GOODWIN. LET'S SEE, DAVID LAVOTH, DAVID, WELCOME. LET'S SEE I THINK THAT YOU HAVE ALREADY GIVEN THE OTHER TIME -- MR. GOODWIN UP TO SIX MINUTES IF YOU NEED IT.

THANK YOU, MY NAME IS HUNTER GOODWIN THE CURRENT OWNER. THANKS FOR HAVING ME, CITY COUNCIL AND MAYOR WYNN. TODAY HAS BEEN A TOUGH DAY FOR ME. I'VE HAD -- A WIDE RANGE OF EMOTIONS. I ASSUMED TODAY THAT I HAD TWO CHOICES, I COULD LET THESE PEOPLE SPEAK ON MY BEHALF OR I COULD COME UP HERE AND ADDRESS YOU PERSONALLY. AND I -- THIS MEANS SO MUCH TO ME THAT I WANT TO TALK TO YOU PERSONALLY. THESE PEOPLE ARE HERE CONSTANTLY, THEY -- EVERY TIME THAT A HOUSE, TO THE BEST OF MY UNDERSTANDING -- IS ASKED FOR A DEMOLITION PERMIT THEY AUTOMATICALLY ISSUE HISTORIC ZONING YOU ON. I HAVE BEEN PAINTED IN A POOR LIGHT AS A REAL ESTATE DEVELOPER. I'M NEITHER. I'M A CITIZEN THAT I WANTED TO MOVE TO A TOWN THAT I THOUGHT WOULD OPEN AND WELCOME ME WITH GRACIOUS ARMS. I HAVE BEEN RUDELY AWAKENED. THIS MORNING I GO TO MY WIFE, I HAVE BEEN MARRIED FOUR YEARS, WE ARE HAVING AN ULGHT TRA SOUND FOR OUR FIRST CHILD. I'M EXTREMELY ELATED. HAVING A DAUGHTER. I GET A PHONE CALL, I HAVE TO COME DOWN, LEAVE MY WIFE'S ULTRASOUND DRIVE TO AUSTIN TO FILE A POLICE REPORT BECAUSE PEOPLE FROM OLD WEST AUSTIN ARE ON MY PROPERTY POKING AROUND, TRESPASSING AND FROM THE WORD I GOT ATTEMPTING TO BREAK IN THE HOME THAT I OWN. AND TO ME THAT'S JUST COMPLETELY BIZARRE. I JUST -- I DON'T UNDERSTAND IT. THEY CONVENIENTLY GIVEN OUT MY HOME TELEPHONE NUMBER. I HAVE HAD CHANNEL 8 CALL ME FOR THREE WEEKS. THEY HAVE RUINED MY QUALITY OF LIFE IN THE LAST THREE WEEKS. I HAVEN'T SLEPT A NIGHT. I WILL BE TOTALLY HONEST WITH YOU. I'LL TELL YOU WHY I HAVE DECIDED TO BUY THIS HOUSE. I'M

GOING TO BE TOTALLY HONEST WITH YOU. BECAUSE DOLF DILDY AND ME ARE FRIENDS. THEY WILL TELL YOU THE PEOPLE FROM 611, HIS SISTER, SHE'S NOT HERE FOR A REASON. THE ROBINSON HOUSE IS NOT ACROSS THE STREET FROM ME. TO MY IMMEDIATE LEFT IS AN APARTMENT COMPLEX. TO MY IMMEDIATE SOUTH IT'S AN APARTMENT COMPLEX, TO MY IMMEDIATE RIGHT IS A BRAND NEW DUPLEX THAT'S 40 FEET TALL. THE ONLY HOUSE THAT'S GOING TO AFFECT IN THIS WHOLE EQUATION IS 611 AND THAT LANDOWNER IS NOT HERE. THERE'S PLENTY OF PEOPLE TO SPEAK ON BEHALF, BUT SHE'S NOT HERE FOR A REASON. THEIR ENGINEER, JOHN RAVE, I HAVE GONE TO HIS OFFICE THREE TIMES, SAT DOWN WITH HIM PERSONALLY ABOUT THE NUMBER THAT HE QUOTED. I WANT TO EXACTLY UNDERSTAND WHAT THAT TOOK INTO CONSIDERATION AND IT'S VERY FRUSTRATING THAT HE'S NOT HERE TONIGHT TO BACK UP THAT NUMBER. BECAUSE THAT NUMBER GETS ME A HOUSE THAT IS STABILIZED, I HAVE A LEAKING ROOF, I HAVE NO WINDOWS, I HAVE NO DOORS. I HAVE PLUMBING THAT'S BEEN RECONNECTED BUT DOESN'T WORK AND I HAVE NO ELECTRICITY. AND IF THAT'S A HABITABLE HOUSE FOR ANY OF THE PEOPLE IN THIS ROOM, THEN I GUESS WE JUST HAVE COMPLETELY DIFFERENT STANDARDS. AND I HAD ALL OF THIS STUFF SITTING DOWN THAT I HAVE WRITTEN AND I'VE TALKED ABOUT AND, YOU KNOW, IN 2003 THIS HOUSE WAS -- HAD AN OPPORTUNITY FOR HISTORIC ZONING TO BE INITIATED. THEY HAD ONE GOAL HERE AND THAT IS TO STOP ANYONE FROM COMING INTO THEIR NEIGHBORHOOD. I GUESS I'M JUST THE WRONG TYPE OF GUY. THEY DON'T WANT ME AS A NEIGHBOR. I GUESS THEY DON'T LIKE ME PERSONALLY. I DON'T KNOW WHAT IT IS. YOU KNOW THE TRUTH OF THE MATTER, I HAVE NOT HAD ONE PERSON FROM OWAN TALK TO ME, ASK ME. I OPENED MY ARMS, LET THEIR ENGINEER -- I COULD COME, I LIVE TWO AND A HALF HOURS AWAY. I HAD THE TIME TO DRIVE UP HERE AND MEET THEIR STRUCTURAL ENGINEER. YOU KNOW WHO SHOWED UP? WE WAITED 45 MINUTES, IT WAS SO IMPORTANT TO THEM THAT NOT ONE PERSON WHO LIVES ACROSS THE STREET IN THE NEIGHBORHOOD TO GO THROUGH THAT -- TO WALK THROUGH THAT HOUSE. I HAVE OPENED MY DOOR TO THEM TO LET THEM COME IN AND VIEW THE HOUSE. NOT ONE PERSON SHOWED UP. THE ONLY PERSON THAT HAS GONE

THROUGH THAT HOUSE WITH WAS STEVE SADOWSKY, BACK IN NOVEMBER, THIS NEEDS TO BE VERY IMPORTANT, HE RECOMMENDED IN FAVOR OF ME AT THE LANDMARK COMMISSION, THEY OVERTURN WOULD HIS RECOMMENDATION. HE'S THE ONLY ONE THAT'S BEEN IN THAT HOUSE, OTHER THAN ME AND MY ENGINEERS. I WENT AND GOT A -- JUST BECAUSE OF THIS \$100,000 NUMBER THAT KEEPS COMING UP, I GOT A BID FROM A -- FROM A CONSTRUCTION COMPANY HERE IN TOWN TRAVIS HOMES, HAS BEEN IN BUSINESS SINCE 1982. THE NUMBER CAME IN \$872,800. AND I'M AT YOUR MERCY, THERE'S NO QUESTION. I BEG YOU, I'M AT YOUR MERCY. THEY ARE WANTING TO INFRINGE ON MY PROPERTY RIGHTS, MY FREEDOMS, THEY ARE FORCING ME TO -- SHOVING ZONING DOWN I DIDN'T WANT. DOFF DIDN'T WANT IT, I DON'T WANT IT. THEY ARE FORCING ME -- I GUESS THAT'S HOW THINGS WORKED HERE, I'M TOTALLY MIFFED I DON'T UNDERSTAND. IT'S OKAY TO TRESPASS, COME TO MY HOUSE AND POKE AROUND. I OWN THE HOUSE IT'S BIZARRE TO ME THAT THAT IS OKAY. I DON'T THINK ANY OF YOU WOULD LIKE TO BE -- TO GO INTO YOUR CHECKBOOK AND WRITE A CHECK AND FORCE YOU TO SPEND \$872,000 AND I REALLY DON'T THINK ANY OF YOU WOULD APPRECIATE SOMEONE WALKING INTO YOUR BACK YARD POKING AROUND LOOKING IN YOUR WINDOWS AND TAKING PICTURES OF YOUR HOUSE. I'M AT YOUR MERCY, THAT'S ALL THAT I HAVE TO SAY.

Mayor Wynn: THANK YOU, MR. GOODWIN. COUNCIL, THAT'S ALL OF THE FOLKS WHO HAVE SIGNED UP WISHING TO SPEAK IN OPPOSITION TO THIS ZONING CASE. SO I WILL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS. SECONDED BY THE MAYOR PRO TEM TO CLOSE THE PUBLIC HEARING, ITEM Z-5. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER MCCRACKEN TEMPORARILY OFF THE DAIS.

QUESTIONS? COMMENTS, COUNCIL? PERHAPS IF MR. SADOWSKY -- IF YOU COULD PERHAPS JUST WALK US THROUGH THE -- THE SEQUENCE SO APPARENTLY WAS THE HISTORIC ZONING CASE FILED IN 2003.

THAT'S CORRECT.

Mayor Wynn: OKAY, THAT WAS -- BUT FILED BY WHOM?

THAT WAS FILED ON BEHALF OF MR. DILDY WHO WAS THE OPENER AT THE TIME. THERE WAS -- IT WENT TO THE LANDMARK COMMISSION, THEY INITIATED THE HISTORIC ZONING CASE IN OCTOBER OF 2003. THE CASE DID NOT PROCEED FORWARD BECAUSE THERE WAS A -- FAMILY DIFFICULTIES AS MS. CROCKER AND MR. GOODWIN INTIMATED. THERE WAS -- MR. DILDY OWNED THIS PROPERTY, HIS SISTER OWNS THE HOUSE TO THE NORTH. THE 2003 CASE INVOLVED BOTH PROPERTIES. AND THE MOTHER OF BOTH MR. DILDY AND MS. LE BAY REVOKED HER POWER OF ATTORNEY. SO THAT THE -- THE CONTRACT FELL THROUGH BECAUSE MR. DILDY AT THAT POINT DID NOT HAVE THE AUTHORIZATION TO SELL IT OR DEMOLISH IT. SO THE CASE BASICALLY WAS IN LIMBO. THE ANYWAY, THE LE BAY FAMILY WHO OWNS 611 WAS IN FAVOR OF HISTORIC ZONING BUT THEN THERE WAS A SERIES OF ILLNESSES AND THE CASE DID NOT PROCEED UNTIL THIS NEW DEMOLITION PERMIT WAS FILED.

I THOUGHT THAT I HEARD SOME TESTIMONY THAT YOU RECOMMENDED AGAINST THAT HISTORIC ZONING CASE?

NO. NOT THE 2003. I HAD GONE TO THE HOUSE WITH MS. CROCKER, MR. GARCIA, MR. GOODWIN WAS THERE. WE WALKED THROUGH THE HOUSE. DID NOT HAVE A REPORT FROM ANYBODY YET AS TO THE STRUCTURAL CONDITION, BUT AS I NOTED IN MY STAFF RECOMMENDATION, IT -- THE HOUSE IS SERIOUSLY DETERIORATED AND IT'S OBVIOUS TO AN UNTRAINED EYE THAT THERE'S SOME SERIOUS PROBLEMS. MY CONCERN WAS THAT ALTHOUGH THIS HOUSE HAS I THINK UNCONTROVERTED HISTORICAL SIGNIFICANCE, WHAT IS THE PRACTICALITY OF PRESERVING IT, UNTIL THE NEIGHBORHOOD ASSOCIATION HIRED GENTLEMAN'SER QUINTANILLA TO COME UP WITH AN --

JASPER QUINTANILLA TO COME UP WITH A COST ESTIMATE THE PRACTICALITY OF THAT WAS STILL IN QUESTION.

Mayor Wynn: YOUR RECOMMENDATION HOWEVER WAS WHAT?

AT THE LANDMARK COMMISSION I -- MY RECOMMENDATION I THINK QUOTE UNQUOTE WAS THAT IT WAS -- THAT I RECOMMENDED APPROVAL OF THE DEMOLITION PERMIT VERY, VERY RELUCTANTLY BECAUSE OF THE APPARENT STRUCTURAL CONDITION. BUT AT THAT POINT WE DID NOT HAVE A -- AN ENGINEER'S REPORT GIVING US A COST ESTIMATE AS TO WHAT IT WOULD TAKE TO FIX IT OR TO REHAB THE HOUSE, TO HABITABLE CONDITION AND FIX THE STRUCTURAL PROBLEMS AND THE DETERIORATION THAT HAD OCCURRED ON THE SITE.

Mayor Wynn: SO YOU CONFUSED ME. BECAUSE OF THAT HAVE YOU CHANGED YOUR RECOMMENDATION?

YES. WHEN IT WENT BACK TO THE LANDMARK COMMISSION FOR THE SECOND HEARING AND AT PLANNING COMMISSION I RECOMMENDED HISTORIC ZONING FOR IT BECAUSE WE HAD THE ADDITIONAL INFORMATION THAT WE DID NOT HAVE THE FIRST TIME AROUND AND THE FACT REMAINS THAT IT'S A TOP PRIORITY FOR PRESERVATION. I NEVER REALLY FELT GOOD ABOUT RECOMMENDING AGAINST HISTORIC ZONING FOR IT. BUT TAKING INTO CONSIDERATION THE PRACTICAL ASPECTS OF PRESERVATION OF THE PROPERTY, WHEN I FIRST MADE MY INITIAL RECOMMENDATION I WAS SWAYED BY THE CONDITION OF IT. WITHOUT KNOWING ALL OF THE FACTS AT THE TIME. NOW THAT WE HAVE ALL OF THE FACTS IN AS TO JASPER QUINTANILLA'S ESTIMATE OF THE STABILIZATION COSTS, I DID CHANGE MY RECOMMENDATION. IT WAS NEVER WHOLEHEARTED RECOMMENDATION FOR DEMOLITION. VERY RELUCTANTLY RECOMMENDED THAT TO THE LANDMARK COMMISSION.

Mayor Wynn: MR. SADOWSKY, SEEMS TO ME THAT THE OTHER ENGINEER STUDY OR THE STUDY THAT YOU ARE REFERRING TO HAS A \$100,000 FIGURE, WHATEVER IT MIGHT HAVE BEEN, WE HEARD SOME OTHER TESTIMONY THAT ALL OF THAT REALLY IS IS -- YOU KNOW, LEVELING THE HOUSE, IF YOU

WILL. AND DOESN'T TAKE INTO ACCOUNT SEVERAL OF THE THINGS THAT WE HEARD THE OTHER ENGINEER CHALLENGE.

RIGHT. WELL, IT WOULD BE LEVELING THE HOUSE, REPLACING THE DETERIORATED SUPPORTS, THE STRUCTURAL SUPPORTS, THE SILL BEAM ACROSS THE BOTTOM OF THE HOUSE, WHAT ACTUALLY HOLDS THE HOUSE UP ON ITS PIERS, REPLACING ALL OF THOSE ELEMENTS TO STRUCTURALLY STABILIZE THE HOUSE. THAT WOULD BE THE \$41,000, THEN THE ADDITIONAL \$60,000 IN THEIR ESTIMATE OF ONE HUNDRED THOUSAND WOULD BE TO REPLACE THE WIRING AND THE PLUMBING AND THE THINGS NECESSARY TO BRING THE HOUSE UP TO CODE AND THEN AS I STATED MY INITIAL PRESENTATION, WHATEVER COST THERE IS ON TOP OF THAT WOULD BE UP TO -- UP TO THE OWNER AS FAR AS HOW IF YOU WANTED TO REPLACE FIXTURES OR APPLIANCES OR FINISHES ON THE FLOORS, THINGS LIKE THAT, THAT WOULD ALL BE A CASE OF AESTHETICS RATHER THAN JUST THE HARD FACT OF STABILIZATION AND REHABILITATION. SO I THINK THE \$100,000 ESTIMATE FROM JASPER QUINTANILLA IS TO STABILIZE THE PROPERTY AND BRING IT UP TO CODE AND THEN, OF COURSE, THERE'S GOING TO BE OTHER FACTORS INVOLVED, OTHER MONEYS INVOLVED TO MAKE IT THE HOUSE THAT THE OWNER WOULD LIKE TO HAVE. I THINK ANYBODY WHO PURCHASES THE HOUSE LOOKS AT IT AS, YOU KNOW, SOMETHING THAT THEY ARE GOING TO HAVE TO INVEST SOME MONEY INTO TO EITHER PAINT OR YOU KNOW WHATEVER. WHATEVER THEY WANT TO DO TO MAKE IT -- THE PERSON THAT SOLD IT TO THEM, THEIR TASTE, WHATEVER.

COUNCILMEMBER DUNKERLY?

Dunkerly: COULD I ASK ONE QUESTION, STEVE, PERHAPS. YOU ARE BASING IT ON -- ON A NUMBER THAT YOU GOT FROM THE ENGINEERING STUDY.

RIGHT.

Dunkerly: I DIDN'T HEAR THAT SAME NUMBER, NOR DID I HEAR THAT THAT NUMBER WOULD BRING IT UP TO CODE. I KNOW MR. GARCIA'S WORK AND I WOULD REALLY -- IF YOU ARE THE

APPROPRIATE ONE TO ADDRESS THAT, I WOULD LIKE TO HEAR YOUR COMMENTS ON IT, BECAUSE THAT'S NOT WHAT I HEARD.

WELL, I'M SURE ALL OF YOU ALL HAVE REMODELED YOUR HOMES OR REHABED THEM TO SOME DEGREE, YOU KNOW THAT \$100,000 DOESN'T GO VERY FAR. LIKE I WAS SAYING LAST TIME, \$100,000 WOULD GET THE FOUNDATION LEVEL, NEW FOOTINGS, NEW BEAMS AND THAT'S IT. BUT IN DOING THAT, CONSIDERING HOW -- HOW POORLY -- HOW BAD OFF THE HOUSE CURRENTLY IS, GETTING THAT INTO PLACE WOULD -- WOULD DRAMATICALLY DETERIORATE THE WINDOWS, DOORS, FLOORS, ROOFS, WE KNOW THAT THE STUDS ARE DETERIORATED BECAUSE OF THE WATER INFILTRATION, THE WICKING OF THE WATER BECAUSE THE WATER HAS BEEN COMING IN FOR MANY YEARS, THE STUDS NEED TO BE REPLACED. IT ONLY SPEAKS TO THE FOUNDATION ALONE. LIKE I SAID LAST TIME, IT DOESN'T EVEN SPEAK TO THE SITE ISSUES. IF THE SITE IS NOT ADDRESSED, YOU HAVE JUST PUT A BAND-AID ON IT IT'S GOING TO BECOME A PROBLEM AGAIN IN THE FUTURE. THE WATER WILL STILL COME INTO THE HOUSE WITH NEW FOOTINGS OR NOT. SO I THINK MR. ROTH ONLY ADDRESSED THE FOUNDATION, THAT WAS IT. DIDN'T REALLY SPEAK TO ANYTHING ELSE BEYOND THAT. AS YOU ALL KNOW EVERYTHING IS AFFECTED BY THAT.

Mayor Wynn: MR. GARCIA, WE HEARD MR. SADOWSKY HOWEVER SAY THAT BRINGS IT UP TO CODE.

NO. NO, THAT WOULD BRING THE FOUNDATION TO CODE. JUST THE FOUNDATION. THE ROOF IS PROBABLY -- NOT TO CODE. IT'S TWO-BY-FOUR FRAMING. MENT THE STUDS WOULD NEED TO BE BROUGHT TO CODE. WATERPROOFING, THINGS OF THAT NATURE. AGAIN ONLY SPEAKING TO THE FOUNDATION ALONE. \$100,000 DOESN'T GO VERY FAR. ESPECIALLY IN A REMODEL. YOU HAVE TO SPEND MONEY JUST TO FIND MORE PROBLEMS, FIND OUT THAT THERE'S MORE WRONG THAN YOU THOUGHT. SO I DON'T EVEN THINK 100,000 IS VERY CONSERVATIVE, IS A VERY CONSERVATIVE ESTIMATE.

Dunkerly: I HAVE ANOTHER QUESTION.

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: THE BID THAT THE OWNER RECEIVED, THE CONTRACTOR, I DON'T KNOW IF YOU HAVE LOOKED AT THAT, 800, \$900,000, I ASSUME THAT WOULD HAVE INCLUDED THE FOUNDATION WORK. DID IT ALSO INCLUDE THE SITE WORK THAT WOULD HAVE PREVENTED THE --

IT DID INCLUDE SITE WORK. IT DID INCLUDE SITE WORK.

BUT AGAIN, IT WOULD STILL BE A DUPLEX. IT WOULDN'T HAVE A GARAGE, IT WOULD BE A DRIVEWAY. SO IT WOULD SERVE ITS PURPOSE. IT WOULD BRING THE HOUSE UP TO ITS -- I DON'T KNOW IF IT'S ORIGINAL, I DON'T KNOW WHAT THE ORIGINAL HOUSE LOOKED LIKE. IT HAS UNDERGONE A NUMBER OF REMODELS, BUT IT COULD GET THE HOUSE FINISHED BUT IT COULD TAKE AGAIN THE BETTER PART OF A MILLION. THESE OLD HOMES ARE EXPENSIVE.

FURTHER COMMENTS, QUESTIONS?

I'M CURIOUS IF WE DON'T HAVE THE FULL DAIS RIGHT NOW. I DON'T SEE -- I DON'T SEE COUNCILMEMBER MCCRACKEN --

Dunkerly: IS THIS FIRST READING? OR WHAT READING?

COUNCILMEMBER THOMAS?

Thomas: I DON'T EVEN KNOW WHERE TO START TO BE HONEST WITH YOU. I HEARD THE NEIGHBORS, I HEARD THE NEIGHBOR'S CONCERN ABOUT THE HISTORICAL KEEPING THEIR NEIGHBORHOOD HISTORICAL. I LOOKED AT THE CASE. I SEE THAT THERE'S A CONDO, THERE'S APARTMENTS, THERE'S -- BUT IT REALLY -- WHAT REALLY TROUBLES ME TONIGHT, WHAT THIS YOUNG MAN THE OWNER SAID ABOUT PEOPLE ON HIS PROPERTY AND ET CETERA AND NOBODY WANTS TO MEET WITH HIM AND THEN I HEAR WHAT THE ENGINEER SAID THAT I WENT IN HERE AND READ WHAT SOMEBODY SAID TO BRING IT UP TO CODE WOULD BE AT LEAST UP TO 200,000. I HAVE ALWAYS SAID I THINK -- THIS IS THE WAY I'VE BEEN VOTING SINCE I'VE BEEN ON THE DAIS,

WHEN IT COMES TO A POINT WHERE IT JUST COSTS EXACTLY TOO MUCH FOR AN OWNER TO DO WHAT HE NEEDS TO DO, I HAVE PROBLEMS. I HAVE PROBLEMS WITH THIS PARTICULAR CASE IS THAT I JUST DON'T BELIEVE THAT WE HAVE NEIGHBORS THAT WAS DOING SOME OF THE THINGS -- AND AS A MATTER OF FACT I NEED TO ASK, WHERE -- THE OWNER? YOU SAY HE LIVE TWO HOURS AWAY. WHERE DO YOU LIVE, SIR.

I LIVE IN COLLEGE STATION, TEXAS.

COLLEGE STATION.

YES, SIR.

Thomas: OKAY. YOU SAID THAT SOMEBODY WAS TRESPASSING?

YES, SIR. I GOT A PHONE CALL THIS MORNING THAT THERE WAS SOME FOLKS WALKING ON MY PROPERTY TAKING PICTURES, POKING AROUND. AND I -- I TOLD THE GENTLEMAN THAT FOUND THEM, ASKED HIM TO REMOVE HIMSELF FROM THE PROPERTY. HE LEFT TO GO GET SOME NO TRESPASSING SIGNS TO PUT UP ON THE PROPERTY. WHEN HE RETURNED THEY WERE BACK ON THE PROPERTY A SECOND TIME. AT THAT POINT HE CALLED ME. I THEN CALLED AUSTIN PD AND SPOKE WITH LIEUTENANT WILLIAM MANO, III, FILED A REPORT AGAINST THEM AND THEY DID FOR THE HAVE THAT REPORT GENERATED OR I SHOULD HAVE SHARED IT WITH THE CITY COUNCIL TONIGHT.

WHAT ARE YOUR PLANS, SIR?

SIR.

Thomas: WHAT ARE YOUR PLANS FOR THE PROPERTY?

IT'S FUNNY, I'VE HAD TWO PEOPLE ASK ME THAT, YOU AND COUNCILMEMBER SLUSHER. AND I'LL BE HONEST WITH YOU, WHEN I STARTED THIS -- THIS PROJECT, NINE MONTHS AGO, MY PLAN WAS FOR A SINGLE FAMILY HOME FOR ME AND MY WIFE. BUT BECAUSE WE WERE LOOKING TO MOVE TO AUSTIN. TO PURSUE -- I'M MEETING A TRANSITION FROM MY

PAST CAREER INTO A NEW CAREER. LIKE I SAID HAVING MY FIRST CHILD, WE ARE TRYING TO FIND A NEW HOUSE TO LIVE IN. THAT WAS \$50,000 AGO. I -- I MEAN THE WAY THAT I HAVE BEEN TREATED TO THIS POINT, I HAVE OBVIOUSLY PICKED THE WRONG NEIGHBORHOOD TO MOVE INTO. I DON'T KNOW WHAT MY PLANS ARE AT THIS POINT WITH THIS PARTICULAR PROPERTY I KNOW THIS, I DON'T WANT TO BE THERE. I DON'T WANT -- I JUST DON'T WANT TO BE THERE WITH THE WAY I'VE BEEN TREATED, RECEIVED, THE FACT THAT IT'S OKAY TO WALK ON YOUR PROPERTY AND PEEK IN YOUR DOORS, I JUST -- THAT'S NOT A PLACE I WANT TO BE.

Thomas: OKAY. THANK YOU.

YOU'RE WELCOME.

FURTHER COMMENTS, QUESTIONS? SO WE HAVE A VALID PETITION AGAINST THE HISTORIC ZONING, WHICH MEANS IN ORDER TO -- TO HAVE THE ZONING -- THE ZONING APPROVED IT WOULD TAKE SIX AFFIRMATIVE VOTES AND MS. TERRY, REMIND ME, SO IF -- IF A MOTION IS MADE, ON SAY FOR ALL THREE READINGS, THERE'S NOT SIX AFFIRMATIVE VOTES, THEN THE CASE IS OVER.

THAT'S CORRECT. HOWEVER, THIS CASE IS BEFORE YOU TONIGHT ONLY ON FIRST READING. IT IS NOT BEFORE YOU FOR ALL THIRD READINGS. WE DO NOT HAVE AN ORDINANCE PREPARED FOR YOU. THE REASON WHY IT IS NOT -- IT IS NOT FROM BEFORE YOU FOR -- IT HAS NOT COME BEFORE YOU FOR THREE READINGS, WE DID NOT HAVE A RECOMMENDATION COMING OUT OF THE PLANNING COMMISSION. IT WAS A DISCUSSION CASE. SO WE HAD NO RECOMMENDATION TO PREPARE FOR YOU. THE -- THEY VOTED THE -- AT THE PLANNING COMMISSION WAS A 4-3 VOTE AND THE COMMISSION IS REQUIRED BECAUSE OF THEIR RULES TO HAVE A QUORUM VOTE OF FIVE IN ORDER TO SEND A RECOMMENDATION TO COUNCIL. IT IS BEFORE YOU ONLY ON FIRST READING, SO -- SO IT COULD NOT BE PASSED TONIGHT ON ALL THREE READINGS. AND AS WE HAVE INDICATED PREVIOUSLY, IN THE CASE IF WHICH YOU HAVE A VALID PETITION, THE -- IT CAN BE A -- THE CASE CAN BE PASSED ON FIRST READING ON A SIMPLE MAJORITY VOTE. THE VALID PETITION REQUIREMENT OF SIX VOTES

ONLY HAPPENS ON THIRD READING BECAUSE IT'S THIRD READING THAT MAKES THE DIFFERENCE.

Mayor Wynn: CHEARZ?

Alvarez: THANKS, MAY, I HAD A QUESTION FOR MR. SADOWSKY. WITH REGARD TO THE -- WITH REGARD TO THE HISTORICAL SIGNIFICANCE OF THE HOME OR THE STRUCTURE IN RELATION TO THE POSSIBLE CREATION OF A HISTORIC DISTRICT, WHICH I UNDERSTAND IS SORT OF IN THE PROCESS OF -- IS THAT EVEN THE CASE THAT -- THAT THERE'S A DISTRICT CONSIDERED FOR THIS PARTICULAR NEIGHBORHOOD?

THE NEIGHBORHOOD IS WORKING ON A NATIONAL REGISTER. HISTORIC DISTRICT NOMINATION RIGHT NOW, IT WOULD MAKE AN EXCELLENT CANDIDATE FOR A LOCAL HISTORIC DISTRICT AS WELL. IT'S GOT THE CONTEXT. IT'S GOT THE -- THE PERCENTAGE OF CONTRIBUTING BUILDINGS, IT'S GOT EVERYTHING THAT -- THAT OUR LOCAL HISTORIC ORDINANCE WOULD REQUIRE OF A LOCAL HISTORIC DISTRICT.

HOW SIGNIFICANT IS THIS -- IS THIS STRUCTURE WITH REGARD TO THAT DESIGNATION? IS IT -- ARE THERE SO MANY HISTORIC INSTRUCT TURTS STRUCTURES THAT THIS -- I MEAN THE POTENTIAL LOSS OF THIS STRUCTURE WOULDN'T AFFECT THAT OR IS IT -- SOMETHING THAT -- [MULTIPLE VOICES] POSITIVELY I GUESS TO THE APPLICATION?

IT WOULD DEFINITELY BE CONTRIBUTING TO A LOCAL HISTORIC DISTRICT, BUT IT WOULD BE HARD FOR ME TO ANSWER WHETHER THE LOSS OF THE STRUCTURE WOULD ELIMINATE THAT POSSIBILITY OF A HISTORIC DISTRICT.

Alvarez: HOW LARGE OF AN AREA IS BEING CONTEMPLATED, DO YOU KNOW? OR MAYBE ONE OF THE NEIGHBORS WOULD TALK TO THAT.

I THINK ONE OF THE NEIGHBORS MIGHT BE ABLE TO ANSWER THAT BETTER. STEVE COLEBURN AGAIN FROM THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION. I DON'T KNOW

IF I CAN ANSWER YOUR QUESTION PROPERLY BECAUSE THE WHOLE ISSUE OF STARTING A LOCAL HISTORY HISTORIC DISTRICT IS SO NEW, WE ARE NOT SURE WHAT PART OR PARTS OF OUR NEIGHBORHOOD WILL BE INCLUDED IN THAT. THE NATIONAL HISTORIC DISTRICT INCLUDES MUCH BUT NOT ALL OF OUR NEIGHBORHOOD, WHICH STRECHES FROM THE RIVER TO -- IT'S BOUNDED BY -- BOUNDED BY MOPAC, THE RIVER, LAMAR AND ENFIELD. I WISH THAT I COULD ANSWER IT MORE PRECISELY, BUT JUST GIVEN THE STATUS OF THE LOCAL DISTRICTS I CAN'T.

Alvarez: SURE, THANK YOU. FINALLY, MR. SADOWSKY, IN TERMS OF -- OF THE LOCATION OF THE STRUCTURE ITSELF AND, YOU KNOW -- IT WAS MADE REFERENCE TO THAT THERE WAS -- I MEAN THERE AREN'T NECESSARILY OTHER HOUSES OR HISTORIC STRUCTURES AROUND THERE. BUT APARTMENT COMPLEXES AND DUPLEXES. BUT DOES THAT AFFECT -- DOES THAT HAVE AN IMPACT IN TERMS OF, YOU KNOW, HOW SIGNIFICANT, YOU KNOW --

WELL --

A CONTRIBUTION THIS WOULD MAKE. DEPENDING IF IT WAS ISOLATED WITHIN A DISTRICT, IF IT -- IF IT WERE SO CREATED.

I THINK THAT ITS LOCATION IS PRETTY SIGNIFICANT BECAUSE IT IS -- AS I SAID, THE -- GRAB THIS. AS YOU COME UP FROM SIXTH STREET THIS IS AN APARTMENT COMPLEX. THIS UP HERE AT 9th STREET IT'S AN APARTMENT COMPLEX. SO THIS AREA AND MATTHEW'S SCHOOL IS UP HERE, NORTH OF 9th STREET. THE LANDMARK SHEETS ROBERTSON HOUSE IS RIGHT HERE. THIS IS -- THIS IS JUST A LITTLE STRIP BEGINNING WITH THIS HOUSE AND GOING UP TO -- TO THE APARTMENTS, I THINK THERE'S A VET'S OFFICE SOMEWHERE UP IN HERE, TOO. BUT ALL OF THESE HOUSES ARE OF HISTORIC AGE. THIS ONE IS MOST LIKELY THE OLDEST OF ALL OF THESE. IT'S 1893, THE OTHER HOUSES ON HERE ARE RANCH ROAD, ABOUT 1900 TO PROBABLY 1930.

THANK YOU, MR. SADOWSKY.

FURTHER COMMENTS, QUESTIONS? IF NOT I'LL ENTERTAIN A

MOTION ON Z-5.

Goodman: LET ME ASK A QUESTION OF STEVE.

Mayor Wynn: MAYOR PRO TEM?

Goodman: IS IT POSSIBLE TO FIND OUT WITHIN A SHORT TIME FRAME EXACTLY WHAT THE REQUIREMENTS ARE THAT WOULD KEEP THE DISTRICT VIABLE, THE NUMBER OF STRUCTURES OF THE LOCATIONS, THE STRUCTURES AND THE VIENTL OF THOSE STRUCTURES, THAT WOULD SOLIDIFY THE -- THE ABILITY FOR NEIGHBORHOOD TO GET THAT DISTRICT?

I THINK SO. APPARENTLY I HAVE AN E-MAIL OF THE CONTRIBUTING STRUCTURES IN THE PROPOSED NATIONAL REGISTER DISTRICT THAT -- THAT I THINK MS. MOOREHOUSE E-MAILED TO ME. I JUST HAVEN'T HAD A CHANCE TO SEE IT YET. SO I THINK THAT INFORMATION IS PRETTY READILY AVAILABLE FOR YOU.

Goodman: OKAY. I WOULD LIKE TO KNOW THAT. THE PRACTICALITY OF THIS PARTICULAR CASE I THINK IS THE MOST TROUBLING BECAUSE BY PUTTING HISTORIC ZONING ON THE STRUCTURE ARE YOU GOING TO BE ABLE TO GUARANTEE ITS SURVIVAL AND ITS RESTORATION AND IF YOU PUT HISTORIC ZONING ON IT AND ARE DOOMING IT TO -- TO FALLING DOWN, WHAT -- WHAT DO YOU GAIN? SO I'M WONDERING -- IF WE HAVE THE ABILITY TO IN SOME WAY MAKE SURE THAT THIS STRUCTURE IS RESTORED TO ITS HISTORIC SELF, IF THE OWNER IS NOT -- IF THE CURRENT OWNER ISN'T WANTING TO DO THAT OR ISN'T ABLE TO DO THAT, MAYBE THERE'S SOMETHING ELSE THAT CAN BE WORKED OUT, BUT I KNOW OF NOTHING THAT WE HAVE EVER DONE THAT COULD HELP AN OWNER DO THAT OR COULD PURCHASE THE OPEN OWNER LIKE FOR THE HERITAGE SOCIETY TO TAKE OR SOMETHING LIKE THAT. BUT THE NEIGHBORHOOD NEEDS IT, THAT WOULD BE A CRITICAL ISSUE? FOR ME FOR HISTORIC ZONING. SO MY MOTION IS TO POSTPONE ONE WEEK.

MOTION MADE BY THE MAYOR PRO TEM TO POSTPONE ACTION ON ITEM Z-5 FOR ONE WEEK TO FEBRUARY 17th,

2005.

SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER ALVAREZ.

Thomas: MAYOR?

Slusher: I -- GO AHEAD, COUNCILMEMBER.

Mayor Wynn: COUNCILMEMBER THOMAS?

Thomas: I'LL GO -- I WON'T VOTE TO POSTPONE IT BECAUSE I DON'T SEE WHERE WE ARE GOING TO GET. BECAUSE IF THIS PASSED HISTORICAL THAT MEANS THE OPENER THAT'S HERE TODAY IS GOING TO HAVE TO BRING IT UP TO CODE, RIGHT? AM I RIGHT OR WRONG? IF IT PASS HISTORICAL, THE STRUCTURE THAT WE HAVE GOT REPORTS FROM ONE ENGINEER, NOT FROM THE OTHER, MAYBE TO POSTPONE WE CAN HEAR FROM THE OTHER ENGINEER, MAYBE THAT WOULD BE EQUAL -- I WILL SUPPORT THE POSTPONEMENT FOR THAT. BUT THIS ENGINEER IS SAYING THAT -- THAT IT'S GOING TO COST WAY MORE TO BRING IT UP TO CODE AND STRUCTURE. I JUST DON'T SEE HOW WE ARE GOING TO -- GOING TO GET IT AT A LEVEL THAT'S GOING TO BE COMPATIBLE FOR THE OWNER. I UNDERSTAND WHAT THE -- I RESPECT THAT. BUT FOLKS I DON'T UNDERSTAND WHEN THE OWNER SAYS HE REALLY CAN'T DO IT WHAT THE REST OF THE -- THE COMMUNITY WANTS. SO -- I KNOW I CAN'T SUPPORT IT IF THE OWNER IS SITTING HERE TELLING US HE CAN'T DO IT. LOOKING AT THE HOUSE, I'M NOT AN ENGINEER, BUT THE HOUSE IS ABOUT TO FALL. I CAN SEE MORE THAN 200,000 MAYBE TO BRING IT UP TO CODE TO DO THE STRUCTURE, THAT'S GOING TO BE SOME MORE MONEY. MAYBE -- I COULD SEE 800 PLUS. I JUST DON'T SEE WHERE WE ARE GOING TO -- I WILL AGREE WITH THE POSTPONEMENT IF THE OTHER ENGINEER, IF THAT'S WHAT YOU GIVE THE OTHER ENGINEER THE OPPORTUNITY TO --

MAYOR, AFTER COUNCILMEMBER SLUSHER SPEAKS.

Mayor Wynn: COUNCILMEMBER SLUSHER AND THEN THE

MAYOR PRO TEM?

Slusher: WELL, AS FOLKS FROM THE NEIGHBOR -- IF WE POSTPONE IT, CAN YOU GET THE ENGINEER TO COME NEXT WEEK?

[INDISCERNIBLE] HE WAS HERE EARLIER.

Slusher: COME ON UP TO THE MIC, SIR.

I SIMPLY DON'T KNOW THE AVAILABILITY OF JOHN RATH THE ENGINEER FOR NEXT WEEK. YOU KNOW HE CAME EARLIER BEFORE THE BREAK AND WAS GOING TO TALK THEN, I SIMPLY DON'T KNOW. I CAN FIND OUT, BUT OBVIOUSLY NOT UNTIL TOMORROW.

Slusher: OKAY, THANK YOU.

Goodman: THE OBJECT OF POSTPONING IT IS BECAUSE THERE ARE SEVERAL THINGS BEING IMPACTED HERE. THE DISTRICT IS AN ISSUE, AN IMPORTANT AND CRITICAL ISSUE FOR THE NEIGHBORHOOD. WHETHER OR NOT WE HAVE THE ABILITY TO COME IN AND MAKE THIS A WIN-WIN FOR EVERYBODY, FOR A PROPERTY OWNER WHO NO LONGER WISHES TO BE IN THIS NEIGHBORHOOD FORKS A HOME THAT DOES HAVE HISTORICAL SIGNIFICANCE, WITHOUT HAVING SOMEONE WHO HAS COMMITTED -- IS COMMITTED AND ABLE TO RESTORE IT. AND WITH THE NEIGHBORHOOD THAT -- THAT IS VALUABLE BECAUSE OF THAT HISTORIC NATURE. ALL OF THOSE THINGS I WOULD LIKE MORE INFORMATION ON. EXCUSE ME, TO SEE IF THERE IS A MECHANISM BY WHICH WE CAN HELP THE NEIGHBORHOOD POSSIBLY KEEP THE HOUSE, POSSIBLY HELP THE PROPERTY OWNER OUT BY TAKING IT OFF HIS HANDS IF THAT'S -- IF THAT'S POSSIBLE FROM SOME PROGRAM THAT WE ARE A PART OF OR COULD BE A PART OF. OR THAT, YOU KNOW, ANOTHER ENTITY LIKE THE -- WELL, I DON'T KNOW WHO HAS GOT MONEY FOR THIS KIND OF THING. BUT TO LOOK AROUND AND TO MAKE SURE THAT THE NEIGHBORHOOD COULD OR COULD NOT RETAIN ITS CLAIM TO AN HISTORIC DISTRICT WITHOUT THIS HOUSE. AND DEFINITELY TO HEAR MR. -- WHO IS IT? JESS QUINTANILLA GIVE HIS ESTIMATE OF THE ENGINEERING COSTS AND THE PARTICULARS OF WHAT HIS ESTIMATE

COVERED. SO ALL OF THOSE THINGS ARE -- ARE KIND OF IMPORTANT HERE AND WE DON'T HAVE THEM ALL IN FRONT OF US AND I'M SORRY FOR EVERYBODY TO HAVE A TO WAIT ONE MORE WEEK FOR THIS. I THINK THAT'S IMPORTANT INFORMATION.

THANK YOU, MAYOR PRO TEM. MR. SADOWSKY, IF I COULD -- A REQUEST FROM ME THEN, IF WE ARE GOING TO POSTPONE THIS FOR A WEEK, I KNOW THAT YOU ARE -- HOW RELUCTANT YOU MUST HAVE BEEN FOR YOU TO FIND OUT NOT RECOMMEND HISTORIC ZONING FOR VIEWING THE HOUSE AT THE SAME TIME BUT -- BUT LITTLE CONCERN WITH -- WITH WHAT SEEMS TO BE -- TO BE A -- I WISH THAT YOU WOULD HAVE BEEN HERE, BUT THE ENGINEERS REPORT THAT HAD YOU CHANGED YOUR MIND, MANY OF US HERE KNOW THAT MR. GARCIA'S WORK AND TO HAVE AN ENGINEER, PROFESSIONAL ENGINEER STAND UP AND SPEAK AS STRONGLY AS MR. GARCIA DID ABOUT -- ABOUT HIS BELIEF ABOUT THE STRUCTURAL INTEGRITY AND THE COST OF TRYING TO SAVE THAT HOME. I WOULD APPRECIATE IT IF PERHAPS IN THIS INTERVENING WEEK, THAT'S WHAT THEIR POSTPONEMENT IS, THAT YOU TRY TO RECONCILE THOSE TWO. IT'S TRY TO SIT DOWN WITH THOSE TWO REPORTS AND SEE PROFESSIONAL STANDPOINT A RECONCILIATION OF THOSE TWO.

SURE.

THANK YOU.

SO WE HAVE COUNCILMEMBER MCCRACKEN.

I WANT TO APOLOGIZE, MY PARENTS WERE COMING IN FROM OUT OF TOWN, I WAS THEIR ONLY RIDE. I LOW PRESSURED TO IT ON 88.7. YOU CAN HEAR IT ON THE RADIO. I DID HEAR EVERYTHING. I WILL ECHO THE MAYOR'S COMMENTS IN MY -- MY MOM, FORMER PLANNING COMMISSION IN CORPUS CHRISTI IN THE CAR LISTENING WITH ME. AND WE WERE TALKING ABOUT THIS THAT -- THAT THE NUECES COUNTY COURTHOUSE IN CORPUS CHRISTI, A PHENOMENAL HISTORIC STRUCTURE, BUT FINANCIALLY INFEASIBLE TO RESTORE IT. AS A RESULT IT HAS SAT VACANT IN A VERY PROMINENT PLACE IN CORPUS CHRISTI FOR 25 YEARS AND

NOW THAT IT'S BEEN, YOU KNOW, LISTED AS HISTORIC, YOU CAN'T DO ANYTHING WITH IT. IT'S A WONDERFUL BUILDING BUT AT SOME POINT SOMETHING BECOMES FINANCIALLY IMPOSSIBLE TO RESTORE. AND THAT IS A REAL SHAME FOR MR. GARCIA AS HE WAS SAYING THAT HIS PERSPECTIVE AS A CITIZEN. SO I MEAN IF IT'S NOT FINANCIALLY FEASIBLE TO DO IT, YOU KNOW, THIS IS A HOUSE THAT -- THAT IS WORTHY OF DESIGNATION, BUT IF IT'S NOT FEASIBLE, THEN I THINK THAT WE HAVE TO BE SOMEWHAT PRACTICAL ABOUT THAT, TOO.

Mayor Wynn: THERE'S A MOTION AND A SECOND ON THE TABLE TO POSTPONE FOR ONE WEEK TO FEBRUARY 17th, 2005. PUBLIC HEARING HAS BEEN CLOSED. BUT COUNCIL CAN CERTAINLY ASK FOR MORE TESTIMONY AND HOPEFULLY RECEIVE MORE OF AN ENGINEERING ANALYSIS IN THE MEANTIME. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? , MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. COUNCIL, THAT TAKES US TO OUR PUBLIC HEARINGS, I SEE MS. PLUMBER INCHING TO GO. WELCOME ITCHING TO GO. WELCOME.

MAYOR AND COUNCIL, FOR ITEM NO. 32, THE FACT MINDING IS THERE IS NO OTHER FEASIBLE AND PRUDENT TAKING TO THE DEDICATED PARKLAND. I WILL ALSO ADD THAT THE MITIGATION ALLOWS US TO OPEN UP ONE OF THE TRACTS THAT WE HAVE PURCHASED FOR GREEN WAY AND DESTINATION, WITH TRAILS AND SOME OTHER AMENITIES. SO THE MITIGATION IS PROVING ON THIS PARTICULAR TRANSACTION TO BE QUITE WORTHY.

THANK YOU, MS. PLUMBER, QUESTIONS OF STAFF, COUNCIL? COMMENTS? IF NOT I'LL ENTERTAIN A MOTION TO CLOSE THIS PUBLIC HEARING AND APPROVE A RESOLUTION ON ITEM NO. 32.

SO MOVE.

MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER SLUSHER TO CLOSE THIS PUBLIC HEARING

AND APPROVING THE RESOLUTION, FURTHER COMMENTS?
HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THANK YOU.

THANK YOU, MS. PLUMBER. NOW FOR THE WATERSHED
PROTECTION DEVELOPMENT REVIEW DEPARTMENT. THREE
PUBLIC HEARINGS, TAKE THEM IN WHATEVER SEQUENCE
STAFF PREFERS. I SAY THAT, LET ME CHECK THE SPEAKER
COUNTS HERE. UM WHY DON'T WE TAKE THESE IN ORDER.

YES, SIR.

ITEM NO. 33, CONDUCT A PUBLIC HEARING TO CONSIDER A
REQUEST FOR A VARIANCE FROM THE LAND DEVELOPMENT
CODE TO ALLOW EXPANSION AND REMODELING OF A NON-
CONFORMING STRUCTURE AT 7014 GREENSHORES DRIVE
AND TO WAIVE THE REQUIREMENT TO DEDICATE A
DRAINAGE EASEMENT TO THE FULL EXTENT OF THE 100
YEAR FLOODPLAIN. THE ENVIRONMENTAL VARIANCE WAS
NOT RECOMMENDED BY THE ENVIRONMENTAL BOARD. BUT
WAS APPROVED BY ZONING AND PLATTING COMMISSION. I'M
GARY [INDISCERNIBLE], AN ENGINEER IN THE FLOODPLAIN
OFFICE OF WATERSHED PROTECTION AND DEVELOPMENT
REVIEW. THIS IS A VARIANCE REQUEST ABOUT THE
EXPANSION AND REMODELING OF AN EXISTING PUMP HOUSE
AT 7014 GREEN SHORES DRIVE. THE PROPERTY IS LOCATED
ON LAKE AUSTIN ABOUT 2.9 MILES UPSTREAM OF THE LOOP
3 360 BRIDGE. PUMP HOUSE SITUATED ABOUT 20 FEET FROM
THE NORMAL POOL ELEVATION OF THE SHORELINE OF LAKE
AUSTIN. APPLICANT PROPOSES TO MORE THAN DOUBLE THE
SIZE OF THE PUMP HOUSE. EXPANSION WOULD INCLUDE A
SHOWER AND RESTROOM, THE EXISTING PUMP HOUSE IS
ABOUT -- ABOUT 12 BY 17 FEET. IT'S -- IT'S ABOUT 237
SQUARE FEET IN AREA. THE EXPANSION WOULD ADD AN
ADDITIONAL 339 SQUARE FEET. THIS PUMP HOUSE IS -- IS
ENTIRELY SURROUNDED BY THE 100 YEAR FLOODPLAIN. THE
PROPOSED STRUCTURE WOULD BE ENTIRELY SURROUNDED
BY THE 100 YEAR FLOODPLAIN. AT THE 100 YEAR FLOOD

EVENT, THE STRUCTURE IS SURROUNDED BY UP TO 3.6 FEET OF WATER. SO THERE WILL BE 3.6 FEET OF WATER AT THE 100 YEAR FLOOD ELEVATION. THIS -- THE PUMP HOUSE CONSIDERED NON-CONFORMING ACCORDING TO OUR REGULATIONS BECAUSE IT'S IN THE FLOODPLAIN AND IT'S BELOW THE HUNDRED YEAR FLOODPLAIN ELEVATION. UNDER OUR CODE, WE CANNOT EXPAND, CHANGE, ENLARGE OR ALTER IN ANY WAY A STRUCTURE WHICH -- WHICH INCREASES ITS NON-CONFORMITY. THE REGULATIONS ALSO PROVIDE THAT NO SUBSTANTIAL IMPROVEMENTS SUCH AS IS PROPOSED OF THE STRUCTURE, SHALL BE MADE UNLESS THE STRUCTURE IS CHANGED TO CONFORM WITH THE FLOODPLAIN REGULATIONS. THE WATERSHED PROTECTION DEVELOPMENT REVIEW DEPARTMENT HAS REVIEWED THIS REQUEST IN THE CONTEXT OF THE CITY BUILDING CODE, APPENDIX 58, ARTICLE 8, CONCERNING VARIANCE AND WE RECOMMEND DENIAL OF THIS REQUEST. ACCORDING TO THE BUILDING CODE, VARIANCES CAN ONLY BE ISSUED UPON A DETERMINATION THAT -- THAT THE VARIANCES, THE MINIMUM, WHICH IS NECESSARY, CONSIDERING THE FLOOD HAZARD, TO AFFORD RELIEF. AND RELIEF IS DEFINED AS RELIEF FROM EXCEPTIONAL HARDSHIP AND IN THIS CASE ACCORDING TO -- TO OUR CODE AND FEMA DOCUMENTS, THERE IS NO EXCEPTIONAL HARDSHIP. THE OWNER CURRENTLY HAS USE OF THE PROPERTY IN COMPLIANCE WITH THE CODE TO OPERATE THE EXISTING PUMP HOUSE. IN ADDITION, THIS -- THIS BATH HOUSE THAT THEY ARE PROPOSING COULD BE -- COULD BE LOCATED FURTHER WEST AWAY FROM THE 100 YEAR FLOODPLAIN. ACCORDING TO OUR -- TO OUR RULES, OUR REGULATIONS, THE APPLICANT NEEDS TO SHOW A GOOD AND SUFFICIENT CAUSE. WE DETERMINED THAT THERE IS NOT CAUSE TO ALLOW THE VARIANCE IN THIS CASE BECAUSE IT'S A COMMON CODE AND THEIR NEIGHBORS, OTHERS IN OUR COMMUNITY LIVE BY THIS CODE. WE ALSO LOOKED AT WHETHER A DETERMINATION THAT FAILURE TO GRANT THE VARIANCE WOULD RESULT IN EXCEPTIONAL HARDSHIP TO THE APPLICANT. VARIANCE. AGAIN THE OWNER CURRENTLY HAS ECONOMIC USE OF THE PROPERTY. EXCEPTIONAL HARDSHIP IS DEFINED AS CHARACTERISTIC OF THE LAND. IT DOES NOT REFER TO PERSONAL OR FINANCIAL CIRCUMSTANCES OF THE CURRENT OWNER OF THE LAND.

THE TRACT DOES NOT HAVE ANY CHARACTERISTIC OF HARDSHIP. AGAIN, THIS PARTICULAR PROPOSED STRUCTURE COULD BE PLACED OUT OF THE FLOODPLAIN FINALLY, WE LOOKED AT WHETHER OR NOT GRANTING THE VARIANCE WOULD NOT RESULT IN -- WE NEED TO LOOK AT RATHER IF WE GRANT THE VARIANCE WE WOULD HAVE INCREASED FLOOD HEIGHTS, ADDITIONAL THREATS TO PUBLIC SAFETY, EXTRAORDINARY PUBLIC EXPENSE, NUISANCE CREATION, OR CONFLICT WITH EXISTING LAWS OR ORDINANCES. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

IN YOUR PACKAGE IS A DRAWING SHOWING THE PROPOSED STRUCTURE. YOU'LL SEE IT HAS RESTROOM FEATURES IN IT. AND FINALLY, THE PROPOSED DEVELOPMENT INCLUDES A WASTEWATER PUMPING SYSTEM IN THE FLOODPLAIN WHICH COULD CREATE NUISANCE CONDITIONS IF FAILURE OCCURS DURING A FLOODING EVENT.

Mayor Wynn: THANK YOU. QUESTIONS OF STAFF, COUNCIL? WE HAVE NO CITIZENS SIGNED UP TO SPEAK ON THIS. SO THE STAFF RELIGIOUS WAS TO -- STAFF RECOMMENDATION WAS TO DENY AND IT LOOKS LIKE THE ENVIRONMENTAL BOARD ALSO VOTED TO DENY, BUT THE ZONING AND PLATTING COMMISSION VOTED TO APPROVE, CORRECT? AND YOU WERE CONSISTENT TO DENY AT ALL OF THOSE STEPS?

YES, SIR. WE EVALUATED UNDER OUR CRITERIA THAT ARE IN THE CODE AND WE RECOMMENDED NOT.

Mayor Wynn: THANK YOU, SIR. FURTHER QUESTIONS, COMMENTS, COUNCIL? MAYOR PRO TEM.

Goodman: COULD WE GET A NUTSHELL CATION NAIL FOR WHAT THE ZONING AND PLATTING COMMISSION VOTED TO OKAY IT?

ACTUALLY, I DON'T HAVE THE RECOMMENDATION IN FRONT OF ME. I DON'T KNOW. PERHAPS SOMEONE FROM PLANNING IS HERE.

Mayor Wynn: IS THERE -- IS THE PROPERTY OWNER HERE?

MS. CROCKER, WELCOME.

I'M SARAH CROCKER AND HERE ON BEHALF OF ROBIN SUMMERS. I'VE BEEN WORKING THIS TRACT OF LAND FOR ABOUT FOUR OR FIVE YEARS. THIS SUMMER'S OWNS A VERY LARGE TRACT OF LAND, IN EXCESS OF SEVEN ACRES ON LAKE AUSTIN. IT'S OUTLINED HERE ON THIS PARTICULAR MAP THAT YOU CAN SEE. AND THERE'S ALSO A PICTURE OF IT HERE THAT'S ATTACHED TO THE FINDINGS. THIS IS A VERY LARGE LOT. HIS HOUSE IS LOCATED MUCH -- UP TOWARDS THE TOP OF THE HILL. AND ALTHOUGH THE CODE DOES NOT SPECIFICALLY PROHIBIT IT, WE DO NOT PERMIT BOAT HOUSES TO HAVE BATHROOMS IN THEM. IT'S JUST STANDARD CITY POLICY AND IT'S PROBABLY NOT A BAD ONE. SO CONSEQUENTLY FROM MY CLIENT'S BOAT HOUSE TO THE HOUSE, TO THE MAIN HOUSE ITSELF TO THE NEAREST RESTROOM FACILITY IS MORE THAN THE LENGTH OF A FOOTBALL FIELD. AND IT'S KIND OF A HIKE. SO AT HIS SUGGESTION, HE HAD, AS YOU CAN SEE FROM THE PICTURES BACK HERE, WE HAVE A LITTLE PUMP HOUSE THAT HAS BEEN DOWN THERE AND HAS BEEN ON THE SITE FOR A NUMBER OF YEARS. IF YOU LOOK AT THE BACK PAGE THAT'S WHAT'S INSIDE IT IS THE WATER FILTRATION SYSTEM BECAUSE EVERYBODY OUT HERE GETS THEIR WATER FROM THE LAKE. THEY PULL IT OUT OF THE LAKE. SO THIS IS ALREADY IN EXISTENCE AND WE LOOKED AT IT FROM A DESIGN STANDPOINT, AND MR. SUMMERS WANTED NOT A LARGE ELABORATE BATHHOUSE, HE JUST WANTS TO HAVE A RESTROOM, SORT OF CHANGING FACILITY ADJACENT TO THE BOAT HOUSE, WHICH I THINK IS PRETTY REASONABLE. IT'S ALWAYS HARD WHEN YOU HAVE A RESIDENTIAL USE AND YOU NEED SOME KIND OF A VARIANCE BECAUSE DO YOU HAVE ECONOMIC USE OF YOUR PROPERTY IF YOU HAD A HOUSE ON IT? YEAH, YOU DO. SO HAVING A RESIDENTIAL PROPERTY MEET THE SAME STANDARDS THAT WE EXPECT A COMMERCIAL PROPERTY TO MEET ARE MUCH MORE DIFFICULT. THIS IS -- AND THAT'S RIGHT, HE COULD GO ABOVE THE SHORELINE SET BACK LINE AND HE COULD BUILD THE TAJ MAJAL OF BATHHOUSES BECAUSE HE'S GOT PLENTY OF IMPERVIOUS COVER AND LOSS OF ROOM TO DO IT. BUT THAT'S NOT THE INTENT. IT'S TO PROVIDE A BATHROOM, SHOWER AND A CHANGING ROOM ADJACENT TO

THE BOAT HOUSE. LAKE AUSTIN IS A CONSTANT LEVEL LAKE. WE PERMIT ALL KINDS OF IMPROVEMENTS WITHIN THE 100 YEAR FLOODPLAIN. THE BOAT HOUSE, FOR EXAMPLE, IS IN THE 100 YEAR FLOODPLAIN. WE ALLOW SIDEWALKS, DECKS, WE ALLOW ALL SORTS OF THINGS NECESSARY APERT UNANIMOUS. THIS PARTICULAR STRUCTURE AND THE REASON I'M HERE TONIGHT IS BECAUSE WE ARE MAKING AN IMPROVEMENT TO AN EXISTING STRUCTURE IN THE 100 YEAR. WHAT WE DO WHEN WE'RE BUILDING IS HOUSE, WHEN A LOT OF THE LOTS ON LAKE AUSTIN ARE IN THE 100 YEAR FLOODPLAIN IS KNOCK THE HOUSE DOWN AND BUILD A NEW HOUSE AND ELEVATE THE SLAB OUT OF THE 100 YEAR AND THEN WE CAN BUILD IN IT. I GUESS WE COULD DO THAT HERE TOO, BUT I'VE TALKED TO STAFF LAST YEAR ABOUT HOW WE COULD HANDLE THIS, BUT I GUESS YOU CAN SEE FROM THE AGE OF THE STRUCTURE I WASN'T REAL EXCITED ABOUT TRYING TO GO OUT AND TEAR THIS PARTICULAR LITTLE STRUCTURE DOWN. IT IS VERY HOLD, BEEN THERE A LONG TIME. AND THE OWNER WANTED TO KEEP IT. IT'S VERY IN KEEPING WITH EVERYTHING. I WOULD LIKE TO POINT OUT THAT THE WATER AND WASTEWATER DEPARTMENT OPERATES UNDER STATE RULES AND WE CAN HAVE A SEPTIC FIELD WITHIN 25 FEET OF THE SHORELINE. YOU'RE PERMITTED TO DO THAT. THIS DOES HAVE AN APPROVED SEPTIC SYSTEM. IT'S GOT A LINE THAT RUNS DOWN TO IT. IT HAS A GRINDER PUMP THAT PUMPS UP. THAT HAS AN ALARM SYSTEM. IT HAS A BACKUP ALARM SYSTEM ON THE 48 HOUR CAPACITY SYSTEM THAT'S ALSO INSTALLED. SO IN OTHER WORDS, THERE'S THREE FAIL-SAFE MEASURES ON FOR THESE VERY FEW PLUMBING FIXTURES THAT ARE IN THIS PARTICULAR LITTLE BATHHOUSE THAT WE ARE PROPOSING THAT WOULD GO OFF -- THAT COULD STORE IF THERE WASN'T ANYBODY ON THE PROPERTY. ALTHOUGH THERE IS SOMEBODY ON THE PROPERTY ALL THE TIME. AND THERE IS ALSO MORE OF A SINGLE USE AND WON'T BE IN USE ALL YEAR-ROUND. IT IS BEING PROPOSED BY THE OWNER AS -- AS FAR AS HABITATION, YOU CAN ALSO PUT A RESTRICTIVE COVENANT ON THE HOUSE. WE'VE DONE THAT ON A NUMBER OF STRUCTURES IN LAKE AUSTIN THAT IT CAN'T BE USED FOR ANY KIND OF LIVING QUARTERS, ALTHOUGH WHY SOMEONE WOULD WANT TO LIVE IN 327 SQUARE FEET WITH THOSE PARTICULAR KIND OF FACILITIES IS BEHIND ME. I

GUESS IT WOULD BE POSSIBLE. AND WE WOULD BE WILLING TO DO THAT. THE PORCH IS ON THERE PRIMARILY BECAUSE WE HAVE TO ELEVATE THE NEW SLAB OUT OF THE 100 YEAR. WE CAN'T BUILD IN THE 100 YEAR. SO YOU'VE GOT HAVE THE STEPS IN THE LITTLE PORCH IN FRONT OF IT TO BE ABLE TO MEET THAT SECTION OF THE CODE. BUT IF WE WERE BUILDING A NEW STRUCTURE AND WE PUT THAT PARTICULAR ELEVATION OF THE SLAB OUT OF THE 100 YEAR, I WOULD HAVE TO GET A 100 YEAR VARIANCE. THANK YOU.

Mayor Wynn: MS. DRUKER, MAYBE YOU COULD ANSWER THE QUESTION THE MAYOR PRO TEM WAS ASKING ABOUT THE VOTE OR THE DYNAMICS OF DISCUSSION AT THE ZONING AND PLATTING COMMISSION.

SURE. BASICALLY WE WENT THROUGH THE SAME SORT OF DISCUSSION THAT WE'RE HAVING RIGHT NOW. THAT IS, DOES IT POSE ANY KIND OF A THREAT. THE STAFF'S REPORT ITSELF SAYS IT DOESN'T RAISE THE WATER ELEVATION, THE WATER TABLE ELEVATION AT ALL. AND THEN THERE WAS A DISCUSSION ABOUT WHETHER OR NOT IT WAS PRUDENT TO HAVE SEPTIC FACILITIES CLOSE TO THE LAKE ITSELF. THE ZONING AND PLATTING COMMISSION DISCUSSION PRETTY MUCH CENTERED AROUND WHETHER OR NOT IT WAS A SIGNIFICANT ENOUGH IMPROVEMENT TO THAT PARTICULAR STRUCTURE THAT IT WOULD POSE A PROBLEM FOR ANYBODY UNDER ANY CIRCUMSTANCES, ENVIRONMENTALLY OR IF THE WATER CAME UP IN THE LAKE. AND THEIR FEELING TO THAT AND THEIR REACTION TO THAT, AND THEIR DIRECT QUESTION TO STAFF ABOUT THAT WAS WOULD APPROVING THIS CAUSE HIM TO LOSE ANY SLEEP AT NIGHT? AND BASICALLY HE SAID NO AND THEY VOTED UNANIMOUSLY TO APPROVE IT.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS, COMMENTS? WE HAVE NO SPEAKERS SIGNED UP -- SPEAKERS SIGNED UP FOR ITEM 33.

McCracken: I MOVE TO GRANT THE VARIANCE.

Thomas: SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCracken, SECONDED BY COUNCILMEMBER THOMAS TO CLOSE THE PUBLIC HEARING AND GRANT THIS VARIANCE. FURTHER COMMENTS? I DON'T KNOW IF WE NEED A FULL COUNCIL OR NOT. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: MOTION PASSES -- MAYOR PRO TEM, SORRY, I DIDN'T -- YOUR VOTE?

Goodman: I DIDN'T SAY ANYTHING. SILENCE IS CONSENT.

Mayor Wynn: MOTION PASSES ON A VOTE OF FIVE TO ONE, COUNCILMEMBER ALVAREZ VOTING NO, AND COUNCILMEMBER SLUSHER TEMPORARILY OFF THE DAIS. THANK YOU.

YES, SIR. THIS IS ITEM NUMBER 34. TO CONDUCT A PUBLIC HEARING TO CONSIDER A REQUEST FOR VARIANCE FROM THE LAND DEVELOPMENT CODE TO ALLOW THE EXPANSION AND REMODELING OF AN EXISTING STRUCTURE LOCATED AT 708 EAST SIXTH STREET AND TO WAIVE THE REQUIREMENT TO DEDICATE A DRAINAGE EASEMENT TO THE FULL EXTENT OF THE 100 YEAR FLOODPLAIN OF WALLER CREEK. AND THIS IS A VEARN'S REQUEST -- VARIANCE REQUEST TO ALLOW THE EXPANSION OF AN EXISTING STRUCTURE AT 708 EAST SIXTH. THIS PROPERTY IS ADJACENT TO AND NORTHWEST OF THE SIXTH STREET BRIDGE OVER WALLER CREEK. THE APPLICANT PROPOSES TO ALMOST TRIPLE THE SIZE OF THE EXISTING STRUCTURE. THE PROPOSED BUILDING ADDITION WOULD ADD 3,041 SQUARE FEET OF INTERIOR SPACE, INCLUDING SERVICE AREA AND KITCHEN, AND 1,055 SQUARE FEET OF OPEN TERRACE OR OUTDOOR SEATING AREA. THE EXISTING STRUCTURE IS ENTIRELY WITHIN THE 25-YEAR FLOODPLAIN OF WALLER CREEK. THE EXISTING STRUCTURE AGAIN IS NONCONFORMING TO THE CITY'S FLOODPLAIN REGULATIONS BECAUSE IT'S IN THE FLOODPLAIN AND IT IS

BELOW THE 100 YEAR FLOODPLAIN ELEVATION. AND AGAIN, THE CODE STATES THAT A STRUCTURE NOT CONFORMING TO FLOODPLAIN REGULATIONS SHALL NOT BE EXPANDED, CHANGED, ENLARGED OR ALTERED IN ANY WAY, WHICH INCREASES ITS NONCONFORMITY. WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT HAS REVIEWED THIS REQUEST IN THE CONTEXT OF THE CITY BUILDING CODE AND RECOMMENDS DENIAL. AND ACCORDING TO THE BUILDING CODE, VARIANCES ARE EVALUATED ON THE FOUR ITEMS I MENTIONED A FEW MOMENTS AGO. ONE IS THE DETERMINATION THAT THE VARIANCE IS THE MINIMUM NECESSARY CONSIDERING THE FLOOD HAZARD TO AFFORD RELIEF. AND RELIEF AGAIN IS DEFINED AS RELIEF FROM EXCEPTIONAL HARDSHIP. IN THIS CASE THERE'S NO EXCEPTIONAL HARDSHIP UNDER THE DEFINITION IN THE CODE. THE OWNER CURRENTLY HAS USE OF THIS PROPERTY IN COMPLIANCE WITH THE CODE TO OPERATE A COMMERCIAL ENTERPRISE WITHIN THE EXISTING BUILDING STRUCTURE. THE APPLICANT NEEDS TO SHOW A GOOD AND SUFFICIENT CAUSE. THERE'S NOT CAUSE TO ALLOW THE OWNER A VARIANCE FROM CODE THAT OTHER PROPERTY OWNERS HAVE BEEN REQUIRED TO COMPLY WITH. WE ALSO LOOKED AT WHETHER A DETERMINATION THAT FAILURE TO GRANT THE VARIANCE WOULD RESULT IN EXCEPTIONAL HARDSHIP TO THE APPLICANT. AGAIN, THE OWNER CURRENTLY HAS ECONOMIC USE OF THE PROPERTY. EXCEPTIONAL HARDSHIP IS DEFINED AS A CHARACTERISTIC OF THE LAND, SO EACH LONDER WHO MAY OWN THIS -- LANDOWNER WHO MAY OWN THIS PROPERTY OVER THE YEARS WILL BE FACED WITH THIS WATERSHED, WITH THIS FLOODPLAIN ON THIS PROPERTY. THIS DEFINITION DOES NOT REFER TO THE PERSONAL OR FINANCIAL CIRCUMSTANCES OF THE CURRENT OWNER OF THE LAND. AND FINALLY WE LOOKED AT A DETERMINATION THAT GRANTING A VARIANCE WOULD NOT RESULT IN INCREASED FLOOD HEIGHT, ADDITIONAL THREATS TO PUBLIC SAFETY, EXTRAORDINARY PUBLIC EXPENSE, CREATE NUISANCES, CAUSE FRAUD OR VICTIMIZATION OF THE PUBLIC OR CONFLICT WITH LOCAL LAWS OR ORDINANCES. AGAIN, THIS PARTICULAR DEVELOPMENT WOULD NOT INCREASE FLOODPLAIN ELEVATIONS. HOWEVER, PUBLIC SAFETY RISK IS INCREASED BECAUSE THE STRUCTURE IS

SURROUNDED BY UP TO 4.9 FEET OF WATER AT THE REAR AND 2.8 FEET OF WATER AT THE FRONT FOR THE 25-YEAR EVENT. THIS BUILDING PROPOSES A RESTAURANT AND IT WOULD BE SURROUNDED BY 4.8 TO 2.8 FEET OF WATER WITH A FLOOD THAT OCCURS ON AVERAGE FOUR TIMES EVERY 100 YEARS IS ONE WAY OF LOOKING AT IT. ADDITIONALLY WALLER CREEK, ESPECIALLY AT THIS LOCATION, LOWER WALLER CREEK WITH AN IN SIZE CHANNEL, THE RATE TO RISE IS QUICK. IT'S A FLASHY CREEK. BECAUSE OF THE HIGHLY DEVELOPED NATURE OF THIS WATERSHED. THE PROPOSED BUILDING WOULD AGAIN HAVE 3,000 SQUARE FEET OF INTERIOR SPACE, 1,055 FEET OF OPEN TERRACE OR OUTDOOR SEATING. SO THE PROPOSED INCREASE IN INTERIOR SPACE OFFERS SIGNIFICANT OPPORTUNITY FOR OCCUPANCY INCREASES AND INCREASED VULNERABILITY TO PROPERTY DAMAGE. SO SUMMARIZING, THERE IS CONCERNS ABOUT OCCUPANCY INCREASES IN THIS BUILDING. THERE'S A SIGNIFICANT RISK TO PEOPLE IN THE STRUCTURE AND SAFETY RESPONDERS BECAUSE OF SAFETY OF ACCESS DURING A FLASH FLOOD. IN NOVEMBER 2004 WE HAD STORMS, SIGNIFICANT STORMS IN THIS WATERSHED, BUT IT WAS A 10-YEAR EVENT, SO WE DIDN'T GET TO FLOODING THIS STRUCTURE, BUT WE WERE FAIRLY CLOSE. AND SO TO SUMMARIZE AGAIN, IT'S SAFETY OF ACCESS AND OCCUPANCY INCREASE THAT ARE SIGNIFICANT IN THIS STRUCTURE.

Mayor Wynn: THANK YOU. WE HAVE A COUPLE OF CITIZENS WHO HAVE SIGNED UP WISHING TO SPEAK. AND MS. CROCKER, ARE YOU ALSO?

YEAH, I'M THE AGENT FOR MR. FLORES. I CAN -- DO YOU WANT ME TO GO REAL QUICK?

Mayor Wynn: MS. CROCKER, BEFORE YOU COMMENCE, I'M GOING TO ANNOUNCE JUST OUT OF PRECAUTION, COUNCIL AND FOLKS. I'M GOING TO RECUSE MYSELF FROM THIS VOTE. I HAPPEN TO OWN A MAJORITY INTEREST IN A SIMILAR BUILDING CATTY-CORNER ACROSS THE STREET THAT ALSO IS TECHNICALLY ON THE BANK OF WALLER CREEK, THE OPPOSITE BANK. IT'S A FULLY DEVELOPED HISTORIC BUILDING, NO PLANS WHATSOEVER TO HAVE A RESTAURANT OR ANYTHING LIKE THIS IN THAT BUILDING, BUT OUT OF

PRECAUTION, I'M GOING TO RECUSE MYSELF AND I GUESS LEAVE THE DAIS. BEFORE I HEAR TESTIMONY. AND I'LL TURN IT OVER TO THE MAYOR PRO TEM.

Goodman: OKAY. HOW LONG DID IT TAKE YOU, SARAH, TO GATHER UP ALL THESE CASES INTO ONE NIGHT?

GOSH, I DON'T KNOW. I FEEL BLESSED, I GUESS. THEY ALL SORT OF LUMPED UP. MAY I PROCEED? MY NAME IS SARAH CROCKER AND I'M HERE BEHALF OF BEHALF OF RON FLORES. THIS RESTAURANT IS A WONDERFUL CUBAN CON ZEST. MR. FLORES PURCHASED THIS BUILDING ABOUT TWO AND A HALF YEARS AGO AND HE'S BEEN WORKING HARD EVER SINCE THEN TO BE ABLE TO FIX IT UP AND TURN IT INTO A RESTAURANT. IF YOU'LL LOOK AT -- THERE'S A NUMBER OF PHOTOGRAPHS, BUT I THINK MOST IMPORTANTLY IF WE COULD JUST TURN FIRST TO THE LITTLE SITE PLAN THAT YOU HAVE WITH YOUR PICTURES. WHAT YOU WILL SEE IS THIS IS AN HISTORIC BUILDING AND IT'S BEEN USED FOR YEARS AS A DIRTY BOOKSTORE. THAT'S BASICALLY WHAT IT WAS. AND THE SHAPE AND THE CONFIGURATION OF THE EXISTING BUILDING, THERE'S A PICTURE IN THERE OF THE FRONT OF THE BUILDING AND ALSO THE BACK OF THE BUILDING, AND YOU'LL SEE THAT IT WAS ORIGINALLY TWO SMALL BUILDINGS THAT HAVE SORT OF BEEN JOINED TOGETHER. BECAUSE MR. FLORES IS IN THE RESTAURANT BUSINESS, YOU CAN TELL BECAUSE OF THE NARROWNESS OF THE LOT, HE DOESN'T HAVE A PLACE TO PUT AN A.D.A. BATHROOM, A KITSCH HE WILL, A FULL KITCHEN AND ALL THE FACILITIES THAT HE NEEDS TO BE ABLE TO OPERATE A RESTAURANT. THE TOTAL SQUARE FOOTAGE OF THE EXISTING BUILDING ON THE GROUND FLOOR IS 1380 SQUARE FEET, WHICH IS NOT ADEQUATE FOR MUCH OF ANYTHING, ALTHOUGH YOU COULD OPERATE A COMMERCIAL ENTERPRISE AND I WILL GIVE THAT TO STAFF, BUT ABOUT THE MOST YOU COULD DO WOULD MAYBE ARE A VERY SMALL, TINY BAR. THE EXPANSION BEHIND HERE IS BASICALLY ON THE GROUND FLOOR WILL CONTAIN THE KITCHEN FACILITIES, IT WILL CONTAIN BASICALLY EMPLOYEES, PICKUPS FOR FOOD, COOLERS, WALK-INS, THAT SORT OF THING, ALL OF THE FACILITIES THAT ARE NEEDED TO BE ABLE TO RUN A RESTAURANT. THERE WILL BE SEATING ON THE SECOND STORY AND A BALCONY AND

THE COURTYARD OF COURSE WOULD BE A SINGLE, MORE OF A PEDESTRIAN WALKWAY FOR PEOPLE TO BE ABLE TO GAIN ACCESS BACK AND FORTH. RIGHT ACROSS THE STREET -- RIGHT ACROSS THE STREET IS THE BOILING POT RESTAURANT. AND YOU'LL NOTICE THAT THIS WHOLE SECTION OF WALLER CREEK IS FULLY DEVELOPED ALONG THE CREEK. THE BOILING POT ACTUALLY HAS THAT BALCONY THAT JUTS OUT OVER THE CREEK. IT'S BEEN THERE FOR A NUMBER OF YEARS. THE BOILING POT HAS BEEN DOWN THERE FOR A NUMBER OF YEARS. THIS END OF SIXTH STREET HAS FOR YEARS BEEN UNDEVELOPED, IT'S BEEN SORT OF A DEAD AREA. THE BOILING POT HAS BEEN ONE SORT OF BRIGHT SPOT DOWN THERE AT NIGHT. I THINK IT'S TERRIFIC THAT WE'RE GETTING A BUSINESSLIKE HABANA THAT WANTS TO COME DOWN HERE, NOT ANOTHER BAR, BUT THEY'RE PUTTING IN A WONDER OF RESTAURANT. WALLER CREEK AND THIS AREA IS IN THE 25-YEAR FLOODPLAIN. WE DID PASS THE BOND REFERENDUM AND HOPEFULLY ONE DAY WE'LL GET THE TUNNEL IN. WE'LL SORT OF RECLAIM ALL THIS PROPERTY. BUT IT IS FULLY DEVELOPED AT THIS END OF THE WATERSHED, THE VERY LARGE WAWRD. THE WATER -- IF WALLER CREEK FLOODS IT COMES UP QUICKLY. IT ALSO COMES DOWN VERY QUICKLY. YOU WILL NOTICE THAT SOME OF THE PICTURES OF THE CREEK CHANNEL ITSELF, THERE ARE A NUMBER OF IMPROVEMENTS THE CITY HAS INSTALLED ALONG THE CREEK. AND WE HOPE TO SEE THIS USED MORE, SOME OF THE WALKWAYS AND THE STEPPING STONE BRIDGES AND EVERYTHING ELSE. IT WOULD BE VERY NICE TO SEE THIS END OF WALLER CREEK COME TO LIFE. THIS SORT OF EXPANSION FOR HAVANA IS NOT A LOT DIFFERENT FROM WHAT HAPPENED UP THE STREET AT STUBB'S. THIS MAP SHOWS THE BOUNDARIES OF THE 100 YEAR FLOODPLAIN AND THE 25 YEARS CONTAINED IN IN THERE. OUR BUILDING IS RIGHT THERE IN RED. AND YOU WILL SEE THAT MOST OF -- ALL OF THE PARKING LOT AND A PORTION OF I-35 ARE IN THE 100 YEAR FLOODPLAIN. AND THE 100 YEAR FLOODPLAIN EXTENDS TO THE WEST AS WELL. ALL THE WAY UP TO RED RIVER. SO YOU'VE GOT A NUMBER OF STRUCTURES, YOU'VE GOT HOTELS, YOU'VE GOT THE SMALLER SORT OF HISTORIC BUILDINGS AND ALL OF THE DEVELOPMENT UP ALONG WALLER CREEK THAT IS THERE, THAT IS DEVELOPED, THAT

IS IN THE FLOODPLAIN. THIS BUILDING IS THERE. IT NOT GOING TO GO AWAY. IF YOU WANT TO HAVE A GOOD, ECONOMIC, VIABLE USE OF THE BUILDING, IT HAS TO BE EXPANDED. 1380 SQUARE FEET IS NOT MUCH TO WORK WITH. AND THE REASON FOR THE EXPANSION AND THE CONFIGURATION IS SO THAT WE CAN PROVIDE ALL OF THE THINGS THAT WE'LL NEED TO DO TO HAVE A DECENT SIZE RESTAURANT THAT IS TO CURRENT CODE AND MEETS A.D.A. STANDARDS. YOU SHOULD HAVE IN YOUR PACKET A NUMBER OF LETTERS FROM EVERYBODY DOWNTOWN WHO IS SUPPORTING THIS, INCLUDING AUSTIN CONVENTION AND VISITORS BUREAU, ALL OF THE MAJOR PROPERTY OWNERS, EVERYBODY HAS BEEN AWAITING HAVANA'S ARRIVAL DOWNTOWN. THANK YOU.

Goodman: I GUESS WE DON'T HAVE ANYBODY SIGNED UP, DO WE?

THERE TWO SPEAKERS, RON FLORES AND CARL DAYWOOD.

Goodman: THANK YOU. MR. FLORES?

MY NAME IS RON FLORES. MY WIFE AND I OWN HAVANA RESTAURANT AND WE ALSO OWN THAT BUILDING. IT'S BEEN ABOUT TWO YEARS NOW THAT WE'VE BEEN WORKING ON THIS. AND WE SPENT CLOSE TO \$60,000 ON ENGINEERING STUDIES, HELP SOME STRUCTURAL INTEGRITY STUDIES ON THE BUILDING. AND I KNOW LET THE BUYER BEWARE, WE BOUGHT THE BUILDING, WE KNEW WE WERE GOING TO HAVE A STRUGGLE, BUT WE DID WHAT WE THOUGHT WAS GOING TO BE RIGHT FOR SIXTH STREET AND FOR AUSTIN. WE ARE BY NO MEANS THE HARD ROCK CAFE, WHOLE FOODS. WE DON'T HAVE THEIR DEEP POCKETS. IT'S BEEN VERY DIFFICULT UP TILL NOW TO TRY TO DO SOMETHING. AND I KNOW THAT AUSTIN IS -- OUR RESTAURANT IS AUSTIN GROWN, MINORITY OWNED. AND I KNOW THAT AUSTIN -- WE HAVE THAT WHOLE THING, KEEP AUSTIN WEIRD. WE FEEL THAT WE CONTRIBUTE TO THAT WEIRDNESS AND WE WANT TO BRING IT DOWN INTO SIXTH STREET. THIS IS THE FIRST BUILDING THAT YOU SEE ON SIXTH STREET WHEN YOU COME OFF OF I-35. THIS IS WHAT OUR VISITORS SEE. THIS IS WHERE MOST OF THE PARKING IS ON THAT END OF THE STREET. IT'S ON THE NORTH HAND SIDE, THE FIRST

BUILDING THAT'S THERE. RIGHT NOW IT'S BOARDED UP, IN DISREPAIR. IT'S BEEN VERY HARD TO HAVE ANYTHING IN THERE EXCEPT FOR THE INDICATIONAL HALLOWEEN -- OCCASIONAL HALLOWEEN SHOP, MARDI GRAS BEAD SHOP AND BEFORE THAT THE LAST SUCCESSFUL BUSINESS THAT SARAH TALKED ABOUT WAS A SEXUALLY ORIENTED BUSINESS. AND FOR A NUMBER OF YEARS THAT END OF THE STREET HAS BEEN JUST -- I DON'T KNOW HOW ELSE TO SAY IT, A LOT OF CRACKHEADS AND NOT A LOT OF LIFE DOWN THERE. WE ARE HOPING TO BRING LIFE TO THAT END OF SIXTH STREET TO DO A COUPLE OF THINGS. ONE, TO TAKE A BUILDING THAT NEEDS TO BE REPAIRED. IT'S AN HISTORIC BUILDING. TO BRING IT UP TO CODE. I KNOW IT LOOKS LIKE A LOT OF EXPANSION, BUT IF YOU'RE IN THE RESTAURANT BUSINESS, YOU NEED A KITCHEN. THE BATHROOMS NEED TO BE A.D.A. COMPLIANT. IT IS A LONG, NARROW LOT. AND A LOT OF THAT IS NOT BUILDING. I KNOW THAT THEY SAID IT WAS 3,000 SQUARE FEET, AND SARAH, I'M NOT SURE HOW MANY ACTUALLY SQUARE FEET ARE THE BATHROOM. MAYBE -- OF ACTUAL HVAC BUILDING, THERE'S MAYBE 1500 SQUARE FEET OF IT. THE REST IS FOR DINING. THAT AREA NEEDS TO HAVE SOMETHING DONE TO IT. AND WE'RE HOPING THAT ALL OF YOU CAN SEE THAT AS WELL. AND LET US BRING SOMETHING DOWN TO AUSTIN AND TO THE SIXTH STREET AREA THAT IS NEEDED DOWN THERE AND WHAT IS RIGHT FOR SIXTH STREET, WHAT'S RIGHT FOR THE HISTORIC BUILDING AND IS RIGHT FOR AUSTIN.

Goodman: THANK YOU. MR. DAYWOOD.

MAYOR PRO TEM, MEMBERS OF THE COUNCIL, I'M CARL DAYWOOD. BEFORE I GIVE MY PRESENTATION I WOULD LIKE TO COMMENT ABOUT SOME FACTS THAT CITY STAFF GAVE OUT THAT I FEEL ARE VERY MUCH INCORRECT. WHAT I HEARD STAFF SAY THAT MR. FLORES IS INCREASING THE SIZE OF THE BUILDING 3 FOLD, -- BUILDING THREE FOLD, I DON'T BELIEVE THAT'S CORRECT. I'M DISAPPOINTED THAT STAFF GIVES A RECOMMENDATION TO Y'ALL DEPENDENCE IT BECAUSE IT WOULD INCREASE THE OCCUPANCY LOAD. WE HAD A MEETING WITH STAFF, AND IN FACT IT WOULD DECREASE THE OCCUPANCY LOAD, NOT INCREASE IT. AND IF YOU WANT ME TO GO INTO DETAILS ON THAT, I WILL, BUT THIS PROPERTY CAN BE USED AS A BAR TODAY. AND A

COUPLE OF OCCASIONS IN SOUTH BY SOUTHWEST THEY'VE HAD LIVE BANDS IN THE BACKYARD. THERE'S ALMOST 90 TO 95% IMPERVIOUS COVER ON THAT PROPERTY. WHAT MR. FLORES IS DOING BY ADDING THE KITCHEN, THE BATHROOMS IN THE BACK AND DECREASING THE IMPERVIOUS COVER, HE'S ACTUALLY GOING TO DECREASE THE NUMBER OF PEOPLE THAT CAN GO BACK THERE FROM WHAT THERE IS TODAY. TO GO WITH MY PRESENTATION, THIS IS AN HISTORIC BUILDING. IT'S IN A VERY, VERY BAD CONDITION. FOR ALMOST 30 YEARS THERE'S BEEN A SEXUALLY ORIENTED BUSINESS THERE UNTIL THE PREVIOUS OWNER BOUGHT THE BUILDING. STARTED RESTORATION. IT WAS TOO MUCH, DECIDED TO SELL THE BUILDING. MR. FLORES BOUGHT IT. AND HE COMES IN WITH A WONDERFUL, WONDERFUL PROPOSAL IN A BLOCK THAT HAS ONE OPERATING BUSINESS AT NIGHTTIME UNTIL THE LAST COUPLE OF MONTHS. AND THE PERSON THAT COMES IN HERE AND WANTS TO TAKE AN HISTORIC BUILDING AND RESTORE IT AND MEET A.D.A. REQUIREMENTS AND ALL THE SAFETY CODES THAT HE CAN MEET SHOULD NOT BE PUNISHED BY THE SYSTEM. WE'VE GOT STRONG SUPPORT BEHIND MR. FLORES. HE'S GOT A WONDERFUL OPERATION. IT FITS IN WITH THE SIXTH STREET PLAN WE'RE TRYING TO ADD DIVERSITY TO THE AREA WITH THE RESTAURANTS AND NOT JUST ANOTHER BAR, NOT A SEXUALLY ORIENTED BUSINESS. HE'S GOING TO TAKE OVER THE AREA THAT THE CITY DOES NOT MAINTAIN, THIS LITTLE GRASS AREA THERE THAT HAS NO MAINTENANCE BY THE CITY. HE'S GOING TO TAKE THAT OVER AND MAINTAIN IT. HE'S BEEN A REAL BIG PLAYER ON THE STREET AND HE'S GOT ALL OF OUR SUPPORT. IN YOUR PACKET -- ANOTHER STATEMENT THAT WAS MADE BY STAFF IS THAT THE LAST RAIN THE WATER GOT VERY CLOSE TO FLOODING THIS BUILDING. I ACTUALLY MANAGE THE BOWLING POT RESTAURANT. THERE IS A BASEMENT THERE THAT SITS SEVEN FEET BELOW THE SIDEWALKS, NOT ONE BIT OF WATER CAME INTO THAT BASEMENT, AND THERE'S WINDOWS UNDER THAT BALCONY THAT ARE OPEN TO THE CREEK AND NO WATER CAME IN. I'M NOT SURE WHAT THEY MEAN IT CAME SERIOUSLY CLOSE TO RUNNING WHEN THEY'RE AT SIDEWALK ELEVATION AND THAT BASEMENT IS SEVEN FEET BELOW ELEVATION, AND WE DID NOT GET WATER. SO LONG BACK, I ASK Y'ALL TO PLEASE

SUPPORT THIS. IT FITS THE WALLER CREEK MASTER PLAN FROM THE 70'S. IT MEETS EVERY PLAN THAT WE'VE HAD ON SIXTH STREET AND WALLER CREEK. IT FITS IN PERFECTLY WITH WHAT WE'RE TRYING TO DO, AND I ASK Y'ALL TO GIVE HIM FULL COOPERATION AND FULL ENCOURAGEMENT TO CONTINUE WITH THIS PROJECT. IN YOUR PACKAGES -- DID Y'ALL GET THE LETTERS THAT WERE FAXED IN TO THE CITY? DO YOU HAVE THEM IN YOUR PACKAGES? IF NOT, I WOULD LIKE TO READ OFF THE PEOPLE THAT ARE SUPPORTING IT? I WON'T BORE YOU IF IT'S IN YOUR PACKAGES. SHOULD I READ THEM. [BUZZER SOUNDS]

Goodman: GO AHEAD A AND THAT CAN WRAP IT UP.

FIRST IT WAS MENTIONED THE AUSTIN CONVENTION CENTER. WE'VE GOT CROWN PLAZA HOTEL. WE'VE GOT SHANNON SEDWICK, ESTHER'S FOLLY'S, ALSO CURRENTLY A BOARD MEMBER OF THE SIXTH STREET PROPERTY OWNERS ASSOCIATION. DAVE LA BLOCK, THE BOILING POT RESTAURANT, GEORGE (INDISCERNIBLE) OWNER OF 719 AND 721 SIXTH STREET, WHICH IS ACROSS THE STREET. RON MEYERS, CAPITAL LEASING, WHO JUST TOOK OVER A BUILDING AND RESTORED IT AT SEVENTH AND SABINE STREET, WHICH IS GOING TO BE ANOTHER FINE RESTAURANT IN THE PROBLEM AREA. WE ALSO HAVE DON GARNER ENGINEERS NOW CURRENTLY A BOARD MEMBER OF THE SIXTH STREET PROPERTY OWNERS ASSOCIATION. WE HAVE THE OWNERS OF 519 EAST SIXTH STREET, 616 EAST SIXTH STREET AND MYSELF. AND WE CAN GET MORE IF YOU WANT THEM. THANK YOU VERY MUCH.

Goodman: THANK YOU. COME AHEAD. IF YOU WANT TO RESPOND TO ANYTHING THAT'S BEEN MENTIONED...

YES, YES, MA'AM. MR. DAYWOOD MENTIONED SEVERAL -- MANY OWNERS OF PROPERTIES AND WE'VE HAD AN OCCASION TO MEET A FAIR NUMBER OF THOSE PEOPLE WHEN WE ARE WORKING ON ANOTHER PROJECT OF OUR DEPARTMENT, THE WALLER CREEK TUNNEL. MANY OF THESE PEOPLE ARE VERY INTERESTED IN THE CONSTRUCTION OF THE WALLER CREEK TUNNEL. THIS PROJECT IS WHAT WALLER CREEK TUNNEL IS ABOUT, ABOUT ECONOMIC DEVELOPMENT IN AN AREA THAT IS NOW

FLOODPLAIN. SO WE'RE SUGGESTING THAT GRANTING THIS VARIANCE IS ESSENTIALLY VERY RISKY BECAUSE PLACING PEOPLE IN A STRUCTURE THAT'S GOING TO BE SIGNIFICANTLY INCREASED IN SQUARE FOOTAGE IN THE FLOODPLAIN NEXT TO A CREEK THAT'S VERY FLASHY, THAT RISES VERY QUICKLY.

GIVE US SOME EXAMPLES OF THAT. FOR EXAMPLE, GIVE US WHAT HAPPENED IN THE 25 YEAR FLOODPLAIN IN THIS AREA IN NOVEMBER, AND THEN IF YOU'LL DOUBLE BACK HETS SPEAK TO THE OCCUPANCY ISSUE.

OKAY. OUR GROUP ALSO OPERATES A FLOOD EARLY WARNING SYSTEM. SO WE BECOME VERY KNOWLEDGEABLE RUNNING A FLOODPLAIN OFFICE ABOUT WHAT HAPPENS DURING STORMS. IN THE NOVEMBER STORMS, WE HAD AN UNUSUAL SITUATION WHERE OTHERWISE WE HAD A LOT OF - - A LONG PERIOD OF RAINFALL, BUT I BELIEVE IT WAS AROUND THE 20TH WE HAD A SIGNIFICANT EVENT THAT HIT THE WALLER CREEK WATERSHED FAIRLY SIGNIFICANTLY. WE'VE DETERMINED THAT IT WAS SOMEWHERE IN THE ORDER OF A 10-YEAR EVENT. SOMETHING THAT HAPPENS ON THE AVERAGE OF 10 PERCENT CHANCE EACH YEAR. AND THIS EVENT ROSE VERY QUICKLY. OUR FLOOD GAUGE AT 12TH AND WALLER WAS NOT OPERATING PROPERLY, AND WE MISSED SOME OF THE QUICK RISE, BUT WE FOUND OUT SHORTLY AFTER THAT THE POLICE PARKING GARAGE ON NINTH AND WALLER CREEK, THE POLICE HAD I BELIEVE 12 POLICE CARS INUNDATED AT THAT LOCATION. THE 10 YEAR GETS IN THE PARKING GARAGE, AND A DOZEN OF THEIR POLICE CARS HAD WATER IN THEM. AND THEY HAD PROBLEMS. AND SO THAT SHOWS HOW QUICKLY THIS CREEK RISES. IT IS VERY FLASHY. IT DOES -- THE HYDRO GRAPH, THE UP AND DOWN IS VERY QUICK, SO IT GOES DOWN QUICK TYPICALLY, BUT IT IS A VERY QUICK RISE. NOW, THE OCCUPANCY SITUATION, WE UNDERSTAND THAT THE EXISTING STRUCTURE IS 2,750 SQUARE FEET IF THE BASEMENT IS INCLUDED. IT'S 1,425 SQUARE FEET WITHOUT THE BASEMENT. THE PROPOSED ADDITION WOULD ADD 3,041 SQUARE FEET OF INTERIOR SPACE AND 1,055 SQUARE FEET OF OPEN TERRACE OR OUTDOOR SPACE. SO IF WE DON'T COUNT THE BASEMENT IT GOES TO -- FROM 1425 SQUARE

FEET TO OVER HAD THOUSAND SQUARE FEET.

Futrell: IS ALL OF THAT SPACE IN THE 25-YEAR FLOODPLAIN?

YES, IT IS. SO IT WOULD HAVE SPACE IF CONSTRUCTED FOR A GREAT NUMBER OF PEOPLE. AND WE MUST EVALUATE THESE THINGS -- WE CERTAINLY LOOKED AT A RESTAURANT AND HOW PEOPLE WILL BE SITTING AND EATING, IF THIS THING WERE GRANTED. BUT WE FOUND IN OUR BUSINESS THAT THESE PROPERTIES ARE OFTEN SOLD AND THEY GO INTO OTHER USES. SO WHEN WE CONSIDER SQUARE FOOTAGE FOR PURPOSES OF FLOODPLAIN EVALUATION, HOW MANY PEOPLE COULD REASONABLY BE IN THIS STRUCTURE. AND IF YOU INCREASE IT THIS LARGE, THERE WILL BE A SIGNIFICANT INCREASE IN OCCUPANCY IS OUR THOUGHT PROCESS.

Goodman: DO YOU HAVE CALCULATIONS ABOUT CFS OR SOME OTHER KIND OF VOLUME AND SPEED AND TRANSLATED INTO HEIGHT OF THE WATER IN A TIME FRAME? ESPECIALLY -- WE HAVE THIS PACKET, YOU KNOW, THAT'S GOT VARIOUS LEVELS ON IT, THE DIFFERENT BRIDGES. AND IS THERE ANY WAY TO TRANSLATE THE ADDITION AND THE INCREASED VOLUME AND INCREASED TIME TO THE LEVELS OF BRIDGE OR WALKWAYS THAT ARE IN HERE.

GEORGE'S OSWALD, WATERSHED PROTECTION. LET ME STEP BACK A LITTLE BIT ABOUT WHAT HAPPENED IN NOVEMBER. THE BIG THINGS THAT HAPPENED IN WALLER CREEK, JUST TO PUT IT IN PERSPECTIVE, WATER CAME OVER THE NINTH AND 10th STREET BRIDGES DOWN THERE BY THE OLD REDI ICE PLANT, DID GET INTO THE PARKING GARAGE AT A.P.D. HEADQUARTERS. I THINK 12 TO 16 CRUISERS GOT SWAMPED. STATISTICALLY IT WAS ABOUT A 10-YEAR EVENT. AND JUST TO PUT IT IN PERSPECTIVE, A 25 OR 100 YEAR EVENT IS SIGNIFICANTLY LARGER THAN THAT. THE WATER DID NOT COME OVER SIXTH STREET AS THE MODELS SHOW WOULD OCCUR DURING A 100 YEAR EVENT. SO THE ISSUE HERE IS CAN OUR FIRST SAFETY RESPONDERS GET TO THIS OCCURRING AN EXTREME EVENT WITH TWO AND A HALF FEET OF WATER IN FRONT OF THE BUILDING, THAT'S REALLY PUSHING IT. AND THAT'S OUR MAJOR CONCERN HERE IS THE SAFETY OF ACCESS

BECAUSE ALTHOUGH THE ADDITIONS TO THE BUILDING WILL BE BUILT ABOVE THE FLOODPLAIN,, PEOPLE WOULD BE ISOLATED IN THE BUILDING DURING THAT EVENT AND IT WOULD BE DIFFICULT FOR OUR FIRST RESPONDERS TO GET TO IT. THE ADDITION OF THE SQUARE FOOTAGE WOULD CERTAINLY ALLOW MORE PEOPLE TO BE THERE. THE OPPORTUNITY IS THERE IF THE BUILDING IS BIGGER. THOSE ARE BASICALLY THE PRINCIPLES OF OUR JUDGMENT. AS FAR AS THE ACTUAL FLOW RATES IN WALLER CREEK, ON THE 22nd IT WAS ABOUT 5,000 CUBIC FEET A SECOND WAS THE PEAK FLOW. IN THIS PARTICULAR AREA THE CREEK IS VERY STEEP. THE WATER IS MOVING AT HIGH VELOCITY, PROBABLY SOMETHING ON THE ORDER OF 10 FEET PER SECOND.

Goodman: OKAY. AND IF THEY DID THIS, IS THERE A QUAWBT FIEBL -- QUANTIFIABLE ADDITION TO THAT SPEED AND VOLUME, VELOCITY AND VOLUME?

ASSOCIATED WITH THIS PROPOSAL? NO. IT'S BEEN DETERMINED THE ENGINEERS SUPPORTING THIS PROJECT HAS RUN A NUMBER OF TESTS FOR US AND IT'S BEEN DETERMINED THAT THE PLACEMENT OF THE EDITION WILL NOT WORSEN FLOODPLAIN ELEVATIONS AND IT WILL NOT CHANGE THE FLOW VELOCITY OF THE WATER. SO FROM THAT STANDPOINT THERE'S NOT A NEGATIVE IMPACT ON THE FLOODPLAIN. IT'S PRIMARILY THE PUBLIC SAFETY ISSUE ASSOCIATED WITH THE PEOPLE IN THE BUILDING AND OUR RESPONDERS GETTING TO THEM.

Goodman: AND ALSO PRECEDENT SETTING, I GUESS. OKAY. THANKS, GEORGE.

Dunkerley: COULD I ASK A QUESTION?

Goodman: COUNCILMEMBER DUNKERLEY.

Dunkerley: YORJ, DID YOU SAY THAT THE ACTUAL STRUCTURE ITSELF WOULD BE ABOVE THE FLOODPLAIN?

YES.

Dunkerley: SO YOUR REAL CONCERN IS GETTING PEOPLE IN

AND OUT OF THE BUILDING RATHER THAN THEM BEING HURT IN THE BUILDING?

WELL, THE NEW EDITIONS ABOVE THE FLOODPLAIN, THE EXISTING STRUCTURE IS NOT. SO I'VE GOT TO KIND OF MIX AND MATCH HERE. AND THE CODE WOULD REQUIRE THE EXISTING STRUCTURE TO BE RAISED BECAUSE THEY'RE MAKING SUBSTANTIAL IMPROVEMENT MORE THAN 50% OF THIS, BUT IT'S AN HISTORICAL STRUCTURE. SO THE PROVISION IN THE CODE, IF YOU'RE ADDING -- IF YOU'RE ALLOWED TO ADD TO AN HISTORICAL STRUCTURE IN THE FLOODPLAIN, YOU DO NOT HAVE TO ELEVATE THE HISTORICAL PORTION. SO THE SCENARIO THERE COULD BE WATER IN THE BUILDING, BUT THE NEW PORTION THERE WOULD ARE SQUARE FOOTAGE THAT PEOPLE COULD GET UP ON TO OUT OF THE FLOODPLAIN.

Dunkerley: THAT CONDITION HAS BEEN THERE SINCE THE BUILDING WAS CONSTRUCTED, THE HISTORIC PART.

YES.

Dunkerley: IS IT ABOUT THE SAME LEVEL AS THE BOILING POT?

FROM THE STREET LEVEL THEY LOOK THE SAME, BUT I DON'T HAVE THE INTERIOR FLOOR ELEVATIONS. I CAN'T ANSWER THAT QUESTION.

Dunkerley: I'M HOPING WE CAN FIND A WAY TO SUPPORT THIS BECAUSE IT HAS BEEN A REALLY NEGLECTED AREA. THERE HAVE BEEN ALL KINDS OF HORRIBLE BUSINESSES DOWN THERE. AND NOW WE HAVE A REALLY GREAT CUBAN RESTAURANT THAT COULD GO IN THERE, AND THIS PICTURE HERE REALLY SHOWS THE AREA AS IT IS NOW. THEY'RE BEGINNING TO MAKE IMPROVEMENTS, BEGINNING TO CLEAN IT UP. SO FROM HEARING YOU SAY NO INCREASE IN THE VELOCITY OF THE WATER, THE NEW EDITION WILL BE ABOVE THE FLOODPLAIN. AND YOUR CONCERN IS -- SINCE THE HISTORIC BUILDING IS ALREADY THERE, YOUR CONCERN IS GETTING PEOPLE IN AND OUT OF THE BUILDING. THAT'S WHAT I'M HEARING.

CORRECT.

Goodman: COUNCILMEMBER MCCRACKEN.

McCracken: HOW OLD IS THE BUILDING?

HOW OLD?

McCracken: YOU SAID IT'S HISTORIC.

I DON'T KNOW. IT HAS AN HISTORIC DESIGNATION PLAQUE ON THE FRONT. I DO NOT KNOW THE EXACT DATE.

Goodman: IT'S A 19TH CENTURY BUILDING. IT WAS BUILT RIGHT AROUND 1890.

McCracken: 1884? IT'S APPARENTLY DONE OKAY IN THE 100 YEAR FLOODS WE'VE HAD TO DATE. [LAUGHTER]

Goodman: WE SHOULD GO AHEAD AND CLOSE THE PUBLIC HEARING BEFORE WE TALK MORE.

McCracken: SO MOVE TO CLOSE THE PUBLIC HEARING.

Goodman: SECOND. ALL THOSE IF FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OKAY. COUNCILMEMBER ALVAREZ.

Alvarez: FOR STAFF OR WHOEVER WOULD BE APPROPRIATE, BUT THE ANALYSIS THAT WAS DONE OR THE PROPOSAL BEFORE US IS FOR A PRETTY SIZEABLE EXPANSION, BUT WOULD IT BE STAFF'S POSITION THAT ANY EXPANSION WOULD -- WOULD THE RECOMMENDATION BE THAT ANY EXPANSION AT ALL BE DENIED OR IS IT JUST THE SIZE OF THE EXPANSION?

BECAUSE OF THE LACK OF SAFE ACCESS, ANY EXPANSION IS AN INCREASE IN NONCONFORMITY. AND OFFERS INCREASED OCCUPANCY. SO THE ANSWER IS YES.

Alvarez: SO NO MATTER IF THE IMPROVEMENTS WERE TO

MAKE IT A.D.A. ACCESSIBLE OR ANYTHING LIKE THAT, YOU WOULD STILL BE --

YOU COULD MAKE A.D.A. IMPROVEMENTS WITHOUT EXPANDING THE FOOTPRINT OF THE BUILDING, THE INTERIOR SPACE. YOU COULD DO THAT.

Alvarez: A COUPLE OF QUESTIONS FOR THE OWNER. MR. FLORES? A COUPLE OF QUESTIONS. OR MS. CROCKER, THAT'S FINE. I'M SORRY.

Alvarez: NOW, YOU ARE ALREADY OPERATING IN HERE?

I'M SORRY?

Alvarez: HAVE YOU ALREADY MOVED INTO THIS BUILDING?

I'VE HAD THE BUILDING FOR TWO YEARS AND I HAVEN'T BEEN ABLE TO USE IT FOR ANYTHING BECAUSE I HAVEN'T -- ALTHOUGH HE'S RIGHT, YOU CAN PUT A.D.A. BATHROOMS IN THERE, YOU CAN PUT A KITCHEN INSIDE THERE, I WOULD PRETTY MUCH HAVE TO HAVE IT A DRIVE-THROUGH TO DO ANY TYPE OF SERVICE TO DO THAT.

Alvarez: AND SO PRETTY MUCH IT DOESN'T WORK FOR -- AT LEAST AS IS YOU WOULD HAVE TO ADD SOMETHING IN ORDER TO MAKE IT A VIABLE SPACE, AT LEAST FOR A RESTAURANT.

YES.

Alvarez: AND I SUPPOSE IT COULD WORK AS SOME OTHER USE. AS A BAR OR SOMETHING. AS ONE OF THE SPEAKERS MENTIONED.

I'M NOT A BAR OWNER, NOR DO I REALLY WANT TO BE. I THINK WE HAVE ENOUGH OF THOSE DOWN IN THAT AREA RIGHT NOW. I'M TRYING TO BRING SOMETHING DIFFERENT THERE. EVEN IF IT'S A BAR, THERE'S STILL NO BATH ROOMDZ IN THERE. -- BATHROOMS IN THERE. YOU WOULD HAVE TO PUT IN THE A.D.A. BATHROOMS, AND I'M NOT SURE IF YOU COULD USE IT, BUT YOU PROBABLY COULD AS A BAR.

Alvarez: FINALLY, IN RELATION TO THE BOILING POT, BECAUSE THEY ACTUALLY GO UP INTO THE CREEK, OVER THE CREEK, AND SO ARE YOU RIGHT UP AGAINST THE CREEK WITH YOUR COURTYARD OR IS THAT SET BACK A LITTLE FROM THE CREEK?

THE BUILDING IS SET BACK A LITTLE BIT.

Alvarez: THE BUILDING ITSELF WOULD BE SET BACK?

ON THE SITE PLAN, ON THE SITE PLAN THERE IS A DASHED LINE THAT SHOWS THERE'S A COURTYARD, AND THAT DASHED LINE RIGHT THERE REPRESENTS SOME -- AN AREA THAT PRETTY MUCH RIGHT NOW IS JUST WEEDS AND DIRT. AND WE MAINTAIN THAT. WHAT I WOULD LIKE TO DO IS TO PUT -- IS TO MAINTAIN THAT AND PUT SOME TYPE OF LANDSCAPING THERE AS WELL THAT WOULD HELP BEAUTIFY THAT AREA. BUT IT IS SET BACK A LITTLE BIT. AND THERE'S A SIDEWALK BETWEEN -- YOU HAVE THAT LIGHT BIT OF GRASS AND THEN YOU HAVE THE SIDEWALK AND THEN YOU HAVE THE CREEK.

Alvarez: SO THIS WOULD BE PROBABLY THE ONLY -- IF THOSE FOUR CORNERS OF THE CREEK AND SIXTH STREET, IT'S PROBABLY THE ONLY STRUCTURE THAT ISN'T RIGHT UP AGAINST THE STREET.

AS A MATTER OF FACT, I BELIEVE THAT'S TRUE.

Alvarez: ALL RIGHT. THANK YOU.

Goodman: ARE THERE FURTHER QUESTIONS? COMMENTS? MOTIONS? NO COMMENTS?

Alvarez: MAYOR PRO TEM?

Goodman: COUNCILMEMBER ALVAREZ.

Alvarez: I'M READY TO MAKE A MOTION, BUT IF THERE'S MORE QUESTIONS, I'LL CERTAINLY YIELD.

Goodman: ARE THERE QUESTIONS, FURTHER QUESTIONS?

COUNCILMEMBER ALVAREZ.

Alvarez: WELL, I THINK -- THIS IS A PROPERTY THAT'S -- IS IN A UNIQUE SITUATION. WE'RE IN A SITUATION WHERE I THINK THAT THE RULES ARE BEING A LITTLE MORE STRINGENT ON THEM THAN ON THE SURROUNDING PROPERTIES THAT ARE IN THE IMMEDIATE VICINITY. AND I -- AND I HAVE BEEN TO A FEW SOUTH BY SOUTHWEST CONCERTS THERE MYSELF BACK WHEN I USED TO GO MORE OFTEN THAN I DO NOW, BUT JUST FOR THE CONCERTS. [LAUGHTER] AND SO I KNOW THAT IT HAS BEEN USED FOR SIZEABLE GATHERINGS OR SHOWS THERE, AND I THINK THAT THE INTRODUCTION OF A RESTAURANT HERE OBVIOUSLY WOULD BE A VERY POSITIVE THING FOR THIS EDGE OF SIXTH STREET AND THE FACT THAT THE EXPANSION ITSELF WOULDN'T BE IN THE 25-YEAR FLOODPLAIN. OBVIOUSLY THAT'S A GOOD THING, ALTHOUGH IT DOESN'T SORT OF CHANGE THE SITUATION FOR THE EXISTING STRUCTURE, BUT I THINK THAT -- AGAIN, THAT BEING SAID, I THINK THAT THERE'S -- I THINK THERE'S AN ARGUMENT TO BE MADE FOR WHY WE SHOULD GRANT THE VARIANCE IN THIS CASE. SO I WOULD OFFER THAT AS A MOTION.

Goodman: THERE'S A MOTION TO APPROVE THE VARIANCE AND A SECOND BY COUNCILMEMBER MCCRACKEN. FURTHER DISCUSSION?

Slusher: [INAUDIBLE].

Goodman: I THOUGHT WE DID ALREADY. I ASKED FOR THAT AS A SEPARATE MOTION EARLIER. DISCUSSION BY THE MAKER OR THE SECONDER? ALL THOSE IF FAVOR --

Slusher: MAYOR, I HAVE A QUESTION. HAVE WE APPROVED ANY -- HAVE THERE BEEN ANY VARIANCES APPROVED IN THIS AREA THE LAST FEW YEARS RECENTLY?

JOE PAN TARA. I DON'T KNOW THAT WE'VE GRANTED ANY VARIANCES IN THIS AREA TO MY KNOWLEDGE. I CAN THINK OF ONE UP AT THE STUBB'S AREA, WE WORKED ONE OUT UP THERE FOR A SLIGHT ENCROACHMENT IN THE 25 YEAR FLOODPLAIN, BUT I THINK IT HAS SINCE EXPIRED. WHEN LIBERTY LURCHL WAS GOING TO MOVE UP INTO THAT AREA,

THERE WERE THREE BUILDINGS UP THERE AND THEY WERE GOING TO DO AN EXPANSION. AND IT WAS -- BUT THEY HAD SAFE ACCESS. THE PEOPLE -- IT WAS PHYSICALLY FOR EXPANDING THE BUILDING IN A CORNER OF THE FLOODPLAIN, BUT THEY COULD WALK OUT A DRY GROUND ON RED RIVER. SO THE PUBLIC SAFETY, SAFETY OF ACCESS WAS NOT AN ISSUE ON IT, IT WAS JUST PHYSICALLY HAVING A FOOTPRINT IN THE LIMITS OF THE 25. A LITTLE BIT DIFFERENT VARIANCE.

Slusher: SO THEY HAD PART OF THE BUILDING, A SMALL PART...

RIGHT THERE AT THE CORNER OPPOSITE REDI ICE THERE'S THREE OLD BUILDINGS THAT HAVE A COMMON WALL AND THEY'RE GOING TO EXPAND OUT THE BACK AND PUT SOME RESTROOMS THERE. AND THAT EXPANSION WOULD HAVE CLIPPED THE 25-YEAR FLOODPLAIN. BUT THEY COULD -- THE DIFFERENCE BETWEEN THAT AND THIS CONDITION IS THE OCCUPANTS COULD WALK OUT THE FRONT ON TO DRY LAND ON RED RIVER AND OUR FIRST RESPONDERS COULD COME IN THAT WAY. A LITTLE BIT DIFFERENT. AND STAFF DID RECOMMEND FOR APPROVAL OF THAT.

Slusher: OKAY. THANK YOU. I WILL HAVE TO SAY THIS IS THE KIND OF CASE THAT -- WELL, I WON'T MISS HAVING TO DECIDE. HERE YOU HAVE A LOCAL BUSINESS WANTS TO MOVE INTO THIS AREA AND EXPAND, EXACTLY THE KIND OF BUSINESS WE WANT TO MOVE ON TO EAST SIXTH STREET, JUST LIKE THEREMR. FLORES SAID. BUT AT THE SAME TIME WE'RE HEARING A VERY SERIOUS CONCERN FROM OUR STAFF ABOUT WHAT COULD HAPPEN AND RAPIDLY RISING WATER, PEOPLE PERHAPS NOT BEING ABLE TO GET OUT OF THERE FAST ENOUGH OR AT LEAST CREATING A DANGEROUS SITUATION. AND THAT IS, LIKE I SAID, ONE OF OUR STAFF MEMBERS SAID, THAT'S WHY WE PUT THE WALLER CREEK TUNNEL BEFORE VOTERS, PRICE ESTIMATES WERE TOO LOW AND WE HAVEN'T BEEN ABLE TO DO IT YET. BUT THAT'S WHAT THAT IS FOR IS TO GET THESE PROPERTIES OUT OF THE FLOODPLAIN AND HELP CREATE ECONOMIC DEVELOPMENT AND ECONOMIC OPPORTUNITY IN THIS AREA. BUT AS HARD AS IT IS TO SAY THIS, AND I'M NOT GOING TO BE ABLE TO VOTE FOR THIS, AND I'M REALLY

CONCERNED THAT -- AND WHAT DO WE TELL THE NEXT PERSON THAT COMES IN AND WANTS TO BUILD IN THE 25-YEAR FLOODPLAIN AND THAT WE COULD BE SETTING OFF A BUILDING BOOM IN THE 25-YEAR FLOODPLAIN. ON SIXTH STREET. THIS WILL BE GOOD FOR THE ECONOMY, BUT IT WON'T BE GOOD IF WE GET A 25-YEAR FLOOD, SO I CAN'T SUPPORT IT.

Goodman: COUNCILMEMBER MCCRACKEN.

McCracken: I THINK COUNCILMEMBER SLUSHER HAS RAISED SOME EXCELLENT POINTS OF CONCERN. I'M SUPPORTING THIS BECAUSE ONE OF THE THINGS IN WORKING THE WALLER CREEK TUNNEL PROJECT, I'VE LEARNED A LOT ABOUT THE PROPERTIES IN THAT FLOODPLAIN. THE PROPERTIES THAT WERE RELYING ON TO REALLY FUND THE TUNNEL ARE PROPERTIES THAT WOULD HAVE MAJOR CONSTRUCTION ON THEM, NOT SMALL ADDITIONS TO HISTORIC STRUCTURES AND I DON'T SEE THAT THERE'S ANY WAY THAT WE COULD RESPONSIBLY GRANT VARIANCES TO BUILD LARGE STRUCTURES IN THE FLOODPLAIN. THAT WOULD BE UNSAFE. I THINK THIS IS IN LOOKING AT THE PROPERTIES ON THAT CREEK, THIS IS ONE OF A HANDFUL OF PRETTY UNIQUE PROPERTIES BECAUSE IT'S A SMALL HISTORIC STRUCTURE. WE'RE TALKING ABOUT AN ADDITION THAT WOULD BE ABOVE THE FLOOD WATERS. SO IT'S A LITTLE BIT OF A SPECIAL CASE, BUT YOU DO -- COUNCILMEMBER SLUSHER RAISES AN EXCELLENT POINT. THE REASON WHY WE NEED THE TUNNEL IS BECAUSE ANY KIND OF SIGNIFICANT WORK ALONG THIS AREA IS JUST COMPLETELY UNSAFE AND INAPPROPRIATE AND THE COUNCIL SHOULD NOT APPROVE SOMETHING SIGNIFICANT.

Goodman: AND IF I COULD ADD TO THAT, IT'S SORT OF A CATCH-22. THE IMPROVEMENTS THAT WE WANT PEOPLE TO MAKE AND THAT WOULD CONTRIBUTE IN WHATEVER SMALL WAY TO THE ULTIMATE COST OF THE TUNNEL ARE NOT ALWAYS VIABLE BECAUSE THEY ARE SUBJECT TO BEING FLOODED AND WASHED AWAY, THE INVESTMENT GONE TO NOTHING. BUT AT THE SAME TIME I HAVE HIGH HOPES, I'VE SAID THIS SEVERAL TIME, THAT WE WILL GET THE WALLER CREEK TUNNEL COMPLETED, THAT THERE WILL BE A PARTNERSHIP THAT WE CAN ENTER INTO. AND THESE

PROPERTIES HAVE ALL BECOME EXPERTS AT SURVIVING WHEN THE CREEK GOES UP. AND IT DOES GO DOWN. AND SO I AM GOING TO SUPPORT THE MOTION, AND YOU OFFER MR. FLORES MY MOST DEEP AND SINCERE WELL WISHES AND LUCK. BUT IT IS THE ATTITUDE THAT WE WANT IN WALLER CREEK AND THE ONE THAT WILL GET US TO THE COMPLETION OF THE TUNNEL. ANY FURTHER COMMENTS? ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Goodman: OPPOSED?

Slusher: NO.

Goodman: WITH THE MAYOR TEMPORARILY OFF THE DAIS BECAUSE OF A POSSIBLE CONFLICT OF INTEREST OR PERCEPTION THEREOF. OKAY.

Mayor Wynn: THANK YOU ALL VERY MUCH. THAT TAKES US TO OUR LAST ITEM, WHICH IS ITEM NUMBER 35, ANOTHER WATERSHED PROTECTION DEVELOPMENT REVIEW DEPARTMENT PUBLIC HEARING. WELCOME, MR. GEORGE ZAPALAC.

GOOD EVENING, MAYOR AND COUNCILMEMBERS. THIS IS A PUBLIC HEARING AND ACTION ON AN APPEAL BY ED KING AND JOSEPH KONOPKA OF THE ZONING AND PLATTING COMMISSION'S DECISION TO GRANT A HILL COUNTRY ROADWAY SITE PLAN WITH WAIVER AND VEARNSS FOR POTTER'S DENTISTRY AT 7901 FM 2222. THE LOCATION OF THIS PROPERTY IS ON RICH ROAD 2222 WEST OF BELL MOUNTAIN DRIVE, ABOUT TWO MILES WEST OF LOOP 3 360. IF I COULD GO OVER TO THE MAP FOR A MOMENT, BULL CREEK PASSES UNDER 2222 JUST NORTH OF THE SITE. THIS IS THE SITE HERE. BELL MOUNTAIN DRIVE IS DOWN TO THE SOUTH. THE FLOODPLAIN AND CRITICAL WATER QUALITY ZONE OF BULL CREEK EXTEND TO THIS POINT INDICATED BY THIS DASHED LINE ON THE SITE PLAN, AND THE WATER QUALITY TRANSITION ZONE EXTENDS FROM THAT POINT TO THE POINT INDICATED BY THE BLUE LINE ON THE SITE PLAN. THE PROPOSED DEVELOPMENT CONSISTS OF THREE ONE-STORY OFFICE BUILDINGS TOTALING APPROXIMATELY 8100

SQUARE FEET. THESE INCLUDE ONE SMALL EXISTING STRUCTURE AND TWO NEW BUILDINGS. IN 2003 THE CITY COUNCIL ZONED THE PROPERTY LO-CO, LIMITED OFFICE WITH CONDITIONS. THESE INCLUDED A SIX-FOOT FENCE AND BUILDING SET BACK OF 35 FEET WHERE THE SITE ABUTS RESIDENTIAL PROPERTY, WHICH WOULD INCLUDE THE SOUTH BOUNDARY LINE. A MAXIMUM HEIGHT OF 28 FEET AND ONE-STORY FOR ANY STRUCTURES ON THE SITE, PROHIBITING CERTAIN USES, AND LIMITING THE TRAFFIC TO 2,000 TRIPS PER DAY -- LESS THAN TWO THOUSAND TRIPS PER DAY. THE ACTUAL TRIP GENERATION FROM THIS PROPOSAL WOULD BE ABOUT 130 TRIPS PER DAY. THE MAP THAT YOU SEE HERE IS A SMALL PORTION OF THE ENTIRE PROPERTY. THE DEVELOPMENT COVERS ABOUT 4.7 ACRES, OF WHICH NEARLY 70% IS PROPOSED TO BE LEFT AS A NATURAL VARIANT AND A SMALL MAP IS BEING PASSED OUT TO YOU, WHICH SHOWS THE ENTIRE TRACT AND IDENTIFIES THE STEEP SLOPES ON THE PROPERTY. THE DEVELOPED AREA IS ABOUT 5.55.5 ACHERS. CLOSEST TO 2222, AND THE DEVELOPMENT IS PLACED AT THIS LOCATION BECAUSE OF STEEP SLOPES AND PROTECTED TREEDZ ON THE REMAINDER OF THIS SITE. DIRECTLY BEHIND THE PROPOSED DEVELOPMENT THERE'S AN AREA OF 25 TO 35 PERCENT SLOPES. THE PLAN AS SUBMITTED COMPLIES WITH ALL APPLICABLE REGULATIONS OF THE LAND DEVELOPMENT CODE, WITH THE EXCEPTION OF ONE WAIVER AND TWO VARIANCES. THE STAFF EVALUATION OF THIS WAIVER AND VARIANCES ARE INCLUDED IN YOUR BACKUP, ALONG WITH THE ENVIRONMENTAL BOARD MOTION ON THE TWO VARIANCES. THESE THREE ITEMS INCLUDE THE FOLLOWING. FIRST A WAIVER TO REDUCE THE HILL COUNTRY ROADWAY BUFFER FROM 100 FEET TO 50 FEET, GOING BACK TO THE MAP FOR JUST A MOMENT. 100 FEET WOULD BE THE YELLOW LINE AS INDICATED HERE. THE APPLICANT IS PROPOSING TO REDUCE THAT TO 50 FEET. AND INCLUDED WITHIN THAT -- THE AREA OF 50 TO 100 FEET WOULD BE A WATER QUALITY POND, SOME PARKING AND DRIVEWAYS AND A PORTION OF ONE BUILDING. THIS WAIVER WAS RECOMMENDED BY STAFF BECAUSE OF THE TOPOGRAPHY AND CONFIGURATION OF THE SITE, WHICH SIGNIFICANTLY REDUCED THE AREA SUITABLE FOR DEVELOPMENT. THIS WAIVER DID NOT REQUIRE REVIEW BY THE ENVIRONMENTAL BOARD, BUT IT

WAS RECOMMENDED BY THE ZONING AND PLATTING COMMISSION. THE SECOND ITEM WAS A VARIANCE TO ALLOW CONSTRUCTION OF THE DRIVEWAY AND THE PARKING ON SLOPES GREATER THAN 15%. THIS ALSO WAS RECOMMENDED BY STAFF BECAUSE OF THE TOPOGRAPHY, WHICH NECESSITATES CONSTRUCTION ON SLOPES JUST TO ACCESS THE SITE. THE DRIVEWAY OFF OF 2222 WOULD HAVE TO BE BUILT ON SLOPES OVER 15% TO REACH ANY DEVELOPABLE PORTION OF THE SITE. AND APPROVAL OF THIS VARIANCE ALSO ALLOWS BETTER PRESERVATION OF THE EXISTING TREES. THE THIRD VARIANCE WAS TO ALLOW IMPERVIOUS COVER OF 25% IN THE WATER QUALITY TRANSITION ZONE INSTEAD OF THE 18% ALLOWED BY THE CODE. THIS VARIANCE IS NOT RECOMMENDED BY STAFF BECAUSE THE VARIANCE WAS BASED ON THE METHOD CHOSEN BY THE APPLICANT TO DEVELOP THE PROPERTY. IN STAFF'S OPINION THE SITE COULD BE DEVELOPED TO ALLOW REASONABLE USE WITHOUT THIS VARIANCE, AND THEREFORE IT DID NOT MEET THE FINDINGS OF FACT IN THE CITY CODE. APPROVAL OF THIS VEARN'S WOULD ALLOW ABOUT AN ADDITIONAL 6500 SQUARE FEET OF IMPERVIOUS COVER BEYOND WHAT WOULD NORMALLY BE PERMITTED. BECAUSE OF THIS VARIANCE, STAFF DID NOT RECOMMEND APPROVAL OF THE SITE PLAN ITSELF. HOWEVER, BOTH THIS VARIANCE AND THE SITE PLAN WERE RECOMMENDED BY THE ENVIRONMENTAL BOARD AND WERE APPROVED BY THE ZONING AND PLATTING COMMISSION WITH CERTAIN CONDITIONS. THE APPEAL BEING BROUGHT BEFORE YOU IS MADE BY TWO PROPERTY OWNERS WHO REPRESENT THE LONG CANYON HOMEOWNERS ASSOCIATION. THE REASON STATED FOR THEIR APPEAL IS THAT THEY DISAGREE WITH THE GRANTING OF THE WAIVER AND THE VARIANCES. THIS CASE DIFFERS FROM OTHER SITE PLAN APPEALS THAT HAVE BEEN BEFORE YOU RECENTLY BECAUSE IT IS -- IT IS A HILL COUNTRY ROADWAY SITE PLAN, NOT A CONDITIONAL USE PERMIT. WITH THE CONDITIONAL USE PERMIT, YOU HAVE CERTAIN CRITERIA LISTED IN THE CODE THAT HAVE TO BE MET IN ORDER TO APPROVE THE SITE PLAN. SO -- AND THESE CRITERIA GIVE YOU SOME DISCRETION IN EVALUATING THINGS SUCH AS TRAFFIC AND OTHER IMPACTS. HOWEVER, AN APPEAL OF THE HILL COUNTRY ROADWAY ORDINANCE SITE PLAN, YOU SIMPLY MUST

DETERMINE WHETHER THE PLAN COMPLIES WITH THE APPLICABLE REGULATIONS OF THE CITY CODE OR NOT. IN THIS CASE YOU DO HAVE SOME DISCRETION ON THE WAIVER AND VEARNSS THAT ARE BEFORE YOU. SO YOUR OPTIONS AT THIS POINT ARE EITHER TO APPROVE THE APPEAL AND DENY THE SITE PLAN OR SECONDLY TO DENY THE APPEAL AND APPROVE THE SITE PLAN AS IT IS BEFORE YOU OR TO DENIAL THE APPEAL BUT HAVE MODIFICATIONS TO THE SITE PLAN AS YOU DEEM NECESSARY TO BRING IT INTO COMPLIANCE WITH THE CODE. I'D BE GLAD TO ANSWER ANY QUESTIONS AT THIS TIME. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

Mayor Wynn: AT THIS TIME WE WILL CALL UP I GUESS ONE OR BOTH OF THE APPELLATES, MR. KING OR MR. KONOPKA. WELCOME, SIR, YOU WILL HAVE FIVE MINUTES.

GOOD EVENING, HONORABLE MAYOR AND CITY COUNCIL MEMBERS. I WANT TO THANK YOU FOR THIS OPPORTUNITY TO ADDRESS THIS ISSUE WHICH WE BELIEVE IS OF PARAMOUNT IMPORTANCE. NOT JUST FOR LONG CANYON, BUT TO ALL OF THE SURROUNDING COMMUNITIES IN THE 2222 CORRIDOR AREA. THOSE OF YOU WHO HAVE THE OPPORTUNITY TO DRIVE UP 2222 TOWARDS THE LAKE, WILL NOTICE MOST OF THAT AREA AT THIS TIME IS NOT DEVELOPED. THE LARGEST DEVELOPMENT ON THE RIGHT IS JESTER ESTATES. WITH THE SHOPPING CENTER NEESH, AS YOU -- NEARBY, ON THE LEFT IS LONG CANYON, AFTER YOU GO ABOUT TWO MILES. AS YOU GET FURTHER UP THE ROAD, ABOUT FOUR MILES YOU'LL SEE THE COMMUNITY OF RIVER PLACE. THAT AREA OBVIOUSLY IS RIPE FOR DEVELOPMENT. FOR THE RECORD, I WANT TO STATE THAT THE COMMUNITIES AND I USE THE WORD WE, IT'S NOT JUST THE LONG CANYON COMMUNITY, WE HAVE SOLICITED SUPPORT FROM THE AUSTIN NEIGHBORHOOD COUNCIL, AS WELL AS THE 2222 NEIGHBORHOOD ASSOCIATION WHO ARE SUPPORTIVE OF WHAT WE'RE TALKING ABOUT. IN OTHER WORDS THE DISAPPROVAL OF THIS SITE PLAN. WE ARE NOT OPPOSED TO DEVELOPMENT. WHAT WE ARE FOR IS RESPONSIBLE DEVELOPMENT. AND WHAT CAN RESPONSIBLE DEVELOPMENT BE DEFINED AS? WE ARE DEFINING AS SOMETHING THAT'S NOT GOING TO IMPACT THE QUALITY OF LIFE OF THE PEOPLE. WE SEE THAT IN THE JESTER ESTATES.

WE DON'T WANT TO HAVE AN IMPACT TO OUR ENVIRONMENT. THAT SECTION FEEDS THE BULL CREEK. AS WE DEVELOP THAT, NOT WE, AS OTHERS DEVELOP IT OVER THE NEXT FOUR YEARS, WE HAVE THE POTENTIAL FOR TREMENDOUS WATER RUNOFF AND POLLUTION. BUT MAD TO THAT, WE BELIEVE THAT THE CONSTRUCTION COULD BE DONE TO MAINTAIN THE SCENIC BEAUTY OF THAT AREA. NOW, AGAIN, THE SITE PLAN AS PRESENTED IMPACTS THE WAIVER, THE 50-FOOT, I WOULD CALL IT SETBACK, IT'S CALLED HILL COUNTRY ROADWAY BUFFER. THAT REGULATION ORDINANCE OR CODE THAT WAS PUT IN PLACE, WAS PUT IN PLACE BY SOME VERY WISE PEOPLE. THESE PEOPLE RECOGNITION THAT THAT 2222 AREA IS GOING TO BE DEVELOPED. IN THE NEAR FORESEEABLE FUTURE WE ARE GOING TO BE FACED WITH A SIX-LANE HIGHWAY. ALSO FACED WITH THE POTENTIAL IN THE YEARS TO COME, PROBABLY NOT ME, BUT MY CHILDREN, OF EVEN NEEDING AN ACCESS ROAD. PLACING THESE BUILDINGS 50 FEET FROM THAT ROADWAY IS GOING TO CREATE A PROBLEM. IN ADDITION TO THAT, WE'RE TALKING ABOUT A LARGE VOLUME OF TRAFFIC. WE'RE TALKING ABOUT 35 -- I UNDERSTAND, I DON'T HAVE THE NUMBERS TO PROVE IT, BUT ROUGHLY 35,000 VEHICLE TRIPS ON THAT ROAD PER DAY. WE HAVE TO KEEP IN MIND THE SAFETY ASPECTS OF THIS SIX-LANE HIGHWAY AND THE POTENTIAL, AGAIN, FOR AN ACCESS ROAD AT LATER TIMES. FOLKS, WHAT WE ARE ASKING YOU IS TO ADHERE, WE ARE ASKING YOU TO ADHERE THE ESTABLISHED ORDINANCE AND CODE GUIDELINES. WE BELIEVE THAT WE SHARE WITH THE VIEW OF PROTECTING OUR COMMUNITIES THROUGH THE QUALITY OF LIFE, THE QUALITY OF THE WATER, THE QUALITY OF THE THE ENVIRONMENT AND AGAIN THE SUPPORTING NEIGHBORHOOD COMMUNITIES ARE FULLY IN SUPPORT OF WHAT I'M SAYING AT THIS POINT. WE ARE ALSO AWARE THAT MR. POTTER HAS SOLICITED INPUT FROM OUR NEIGHBORS, IT'S MY BEST UNDERSTANDING FROM LOOKING AT WHAT HE SHOWED TO THEM, THREE SHEETS OF PAPER, THE OLD PLAN, THE NEW PLAN AND A SIGNOFF SHEET AND TO THE BEST OF MY KNOWLEDGE HE DID NOT ADDRESS THE WAIVER OR THE VARIANCES AND SOMETHING LIKE 20 SOME PEOPLE IN THE SURROUNDING AREA SIGNED OFF OF IT, WHICH IS A SMALL NUMBER OF PEOPLE. ON THE OTHER HAND YOU'LL

SEE ON YOUR WEBSITE OVER 20 PEOPLE WHO HAVE CITED THEIR OBJECTION TO APPROVING THE PLAN. I WANT TO THANK YOU FOR THIS OPPORTUNITY AND I'M SURE THAT WHEN YOU HEAR FROM MR. ED KING AND OTHERS, THEY WILL PROVIDE YOU WITH FAR MORE INFORMATION ABOUT WHERE WE STAND. THANK YOU SO MUCH. DO YOU HAVE ANY QUESTIONS AT THIS TIME?

THANK YOU, SIR. SIR, YOU ARE JOSEPH KONOPKA.

I'M JOSEPH KONOPKA. THANK YOU FOR THE PRONUNCIATION. [LAUGHTER]

Mayor Wynn: OKAY. AND SO NOW WE CONTINUE TO HEAR FROM FOLKS WHO ARE SUPPORTING MR. KONOPKA'S APPEAL AND THAT WILL START WITH MR. ED KING. IF ED IS HERE.

WELCOME, ED. IS PETER TORBINSON HERE, PETER DONATED HIS TIME TO YOU, ED, YOU'LL HAVE YOU HAVE TO SIX MINUTES IF YOU NEED IT.

GOOD EVENING, MEMBERS OF THE -- OF THE AUSTIN CITY COUNCIL. IT'S A PLEASURE TO BE HERE AND TO BE ABLE TO ADDRESS OUR THOUGHTS ON THIS MATTER TO YOU. AS YOU'VE -- AS YOU ALREADY KNOW, MY NAME IS ED KING, I'M PRESIDENT OF THE BOARD OF THE LONG CANYON HOMEOWNERS ASSOCIATION, PHASE 1. I'VE LIVED IN LONG CANYON FOR NEARLY 20 YEARS AND THUS HAD AMPLE OPPORTUNITY TO OBSERVE THE DEVELOPMENTAL CONTROLS, AS WELL AS THE LACK THEREOF DURING THIS PERIOD OF TIME. MY COLLEAGUE, JOE, HAS -- HAS ALREADY PRESENTED SOME OF THE SPECIFICS THAT -- OF THE VARIANCES THAT WE OPPOSE. AND I WON'T GO INTO DETAIL ON THOSE AT THE MOMENT. I WANT TO THANK YOU FOR THE OPPORTUNITY TO EXPRESS MY VIEWS AS WELL AS THOSE OF OUR SURROUNDING NEIGHBORS AND NEIGHBORHOODS. IN OPPOSITION TO THE GRANTING OF THE VARIANCES TO THE REGULAR LAYS GOVERNING THE DEVELOPMENT IN THE 2222 CORRIDOR. IN THIS MATTER WE HAVE THE ACTIVE SUPPORT, NOT ONLY OF OUR LONG CANYON COMMUNITY, BUT ALSO FROM THE -- FROM THE AUSTIN NEIGHBORHOOD'S COUNCIL, THE BULL CREEK FOUNDATION, AND THE MANY

COMMUNITIES THAT ARE REPRESENTED BY THE 2222 COALITION OF NEIGHBORHOOD ASSOCIATIONS. WITH THE EXCEPTION OF DR. POTTER WHO IS A BOARD MEMBER OF OUR ASSOCIATION, NO ONE IN THIS ENTIRE COMMUNITY HAS COMMUNICATED TO US SUPPORT FOR THESE VARIANCES. ALL OF THOSE WE REPRESENT APPRECIATE THE EXPANSION AND DEVELOPMENT IN OUR VICINITY IS INEVITABLE. HOWEVER, WE STRONGLY BELIEVE THAT WE DO NOT HAVE TO FORESAKE THE UNIQUE CHARACTER, THE BEAUTY AND INTEGRITY OF THE 2222 CORRIDOR AS WE MEET THE NEED OF THE GROWING COMMUNITY. WE NOT ONLY HAVE THE OPPORTUNITY AT THIS POINT IN TIME BUT WE ALSO HAVE THE RESPONSIBILITY TO PRESERVE AND TO PROTECT THIS AREA BY RESPECTING THE WASTEWATER ORDINANCES THAT HAVE BEEN IN EXISTENCE FOR SOME TIME. DR. POTTER AND HIS ASSOCIATES ARE WELL AWARE OF THESE RESTRICTIONS ON THE DEVELOPMENT OF THE LAND WHEN HE OR THEY UNDERTOOK TO DO SO. HE CERTAINLY HAD NO RIGHT TO EXPECT TO BE GRANTED VARIANCES FROM THE EXISTING WATERSHED ORDINANCES IN ORDER TO MEET HIS ECONOMIC AND FINANCIAL DESIGN. 7 EACH TIME WE COMPROMISE THESE CODES REINFORCES THE PRECEDENT FOR FUTURE DEVELOPERS TO SEEK VARIANCES SO THAT THEY CAN ALSO MAXIMIZE THEIR ECONOMIC GAINS. MUST WE SELL OUR FUTURE IN THIS MANNER? I DON'T THINK SO. AND I DON'T THINK ANY OF OUR NEIGHBORS DO, EITHER, IF THEY UNDERSTAND WHAT'S INVOLVED. WE ARE NOT SUGGESTING THAT THE DEVELOPMENT BE -- IN THIS AREA BE HALTED, WE ARE REALISTIC IN UNDERSTANDING THAT THE FUTURE MEANS GROWTH. BUT CONTROLLING THIS GROWTH IS IN A REASONABLE MANNER IS OUR RESPONSIBILITY AND THE WATERSHED ORDINANCES WERE DESIGNED FOR THIS VERY PURPOSE. HAVE WE NOT LEARNED THAT WE WILL NOT BE ABLE TO UNDO THE ABUSES THAT WE INFLICT ON THE COUNTRYSIDE OR CORRECT THE MISTAKES WE MAKE TODAY WITHOUT A HUGE EXPENDITURE IN THE FUTURE. FRTION I MUST ASK IS IT NOT -- NOT MUCH MORE REALISTIC AND PRACTICAL THAT WE REQUIRE DR. POTTER AND OTHERS LIKE HIM TO ALTER THEIR PLANS TO BE RESPECTFUL OF THE ENVIRONMENT, THE COMMUNITY, AND THE EXISTING ORDINANCES? IN CONCLUSION, I COME BEFORE YOU TODAY TO ASK YOU TO TAKE VERY -- ONE

VERY SMALL STEP FOR THOSE WHO WE REPRESENT AND ONE VERY LARGE STEP FOR THOSE WHO FOLLOW US IN THE FUTURE. PLEASE RESCIND THE APPROVALS OF THE VARIANCES FOR THE BARRETT POTTER DEVELOPMENT WHICH HAVE BEEN ALLOWED BY THE ZONING AND PLATTING COMMISSION. THANK YOU.

THANK YOU, MR. KING. THERE'S -- THERE'S A HANDFUL OF OTHER PEOPLE WANTING TO SPEAK. ESSENTIALLY EVERYBODY SIGNED UP AGAINST. HOWEVER I THINK IT'S JUST CONFUSING FROM WHEN FOLKS SIGNED UP, THIS TIME I WANT TO SEE IF THERE'S ANYBODY ELSE WHO WANTS TO SPEAK IN SUPPORT OF MR. KING AND MR. KONOPKA'S APPEAL? IF YOU SIGNED UP? WHAT'S YOUR NAME, SIR? CHARLES, COME ON UP, YOU'LL HAVE THREE MINUTES. MA'AM, WHAT WAS YOUR NAME?

[INDISCERNIBLE]

Mayor Wynn: WELL, ACTUALLY, YOU HAVE DONATED YOUR TIME -- THAT'S RIGHT --

[INDISCERNIBLE] 7.

Mayor Wynn: THAT'S RIGHT, HE DIDN'T NEED IT, THAT'S RIGHT. CAROL, YOU WILL FOLLOW CHARLES. WELCOME, YOU WILL HAVE THREE MINUTES.

GOOD EVENING, HONORABLE MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, MY NAME IS CHARLES FARMER, I'M HERE REPRESENTED THE ELECTED BOARD OF THE RIVER PLACE RESIDENTIAL COMMUNITY ASSOCIATION. WE ARE OPPOSED TO THE REQUESTED VARIANCES AND WAIVERS. THE HILL COUNTRY ROADWAY ORDINANCE AND WATERSHED ORDINANCES ARE EXTREMELY IMPORTANT ORDINANCES THAT WERE PUT IN PLACE FOR GOOD REASON. THEY ARE ESPECIALLY IMPORTANT FOR RANCH ROAD 2222 AS IT PASSES THROUGH THE BULL CREEK WATERSHED AND THE LARGEST CONCENTRATION OF BALCONES CANYONLAND PRESERVES LAND IN THE AREA. AS YOU KNOW THE MAJORITY OF LAND ALONG THIS STRETCH OF RANCH ROAD 2222 IS NOW IN THE PLANNING PROCESS FOR DEVELOPMENT OR ON THE CUSP OF BEING BROUGHT FOR DEVELOPMENT.

WE BELIEVE WITH STRICT ADHERENCE TO THE HILL COUNTRY ROADWAY ORDINANCE AND WATERSHED ORDERS IT IS POSSIBLE TO SUCCESSFULLY DEVELOP THE LAND ALONG 2222 AND MAINTAIN ITS CHARACTER AS A HILL COUNTRY ROADWAY AND ONE OF THE CITY OF AUSTIN'S MOST VALUABLE ASSETS. IF YOU VOTE TO ALLOW EXCEPTIONS TO THE ENVIRONMENTAL ORDINANCES HERE, PRECEDENT WILL BE SET FOR EVERY OTHER PIECE OF PROPERTY ALONG THIS SECTION OF 2222. THIS WILL NOT ONLY BE A DISASTER FOR 2222, BUT WILL ALSO BE UNFAIR TO THE COMMERCIAL DEVELOPERS WHO HAVE ALREADY FILED SITE PLANS AND HAVE COMMITTED TO DEVELOPING WITHIN THE BOUND OF THE HILL COUNTRY ROADWAY ORDINANCE AND WATERSHED ORDINANCES. IF YOU WANT A LIST OF PROPERTY OWNERS WHO WILL BE DOWN HERE NEXT ASKING FOR VARIANCES, SIMPLY LOOK AT THE FORM LETTERS SUBMITTED IN SUPPORT OF GRANTING THESE VARIANCES. WITH ADDRESSES ALONG 2222. WE BELIEVE CITY COUNCIL SHOULD ONLY GRANT EXCEPTIONS TO ENVIRONMENTAL ORDINANCES IN CASES WHERE SAFETY IS AN ISSUE OR THERE IS AN EXTREME HARDSHIP IMPOSED BY THE ORDINANCE. JUST BECAUSE THE BUILDING THEY WANT TO BUILD WILL NOT FIT ON THE LOT AND COMPLY WITH THE ORDINANCES IS NOT SUFFICIENT REASON TO GRANT THESE VARIANCES AND WAIVERS. THEREFORE WE ASK FOR YOUR VOTE AGAINST ALLOWING THESE VARIANCES AND WAIVERS ON THIS PROPERTY. THANK YOU?

THANK YOU, MR. FARMER. MS. [INDISCERNIBLE], WELCOME, YOU WILL HAVE THREE MINUTES, ALSO.

THANK YOU FOR PRONOUNCING MY NAME CORRECTLY, THAT ALMOST NEVER HAPPENS. MY NAME IS CARROLL, I'M A RESIDENT OF LONG CANYON, HERE TONIGHT ON MY OWN BEHALF: I JUST WANT TO REITERATE OUR CONCERN THAT WHAT'S GOING TO HAPPEN HERE TONIGHT IS GOING TO BE A VERY DANGEROUS PRECEDENT FOR THOSE OTHER FOLKS WHO WANT TO DEVELOP ALONG OUR CORRIDOR. LIKE THE SPEAKERS BEFORE US, I'M CONCERNED ABOUT THE ENVIRONMENTAL IMPACT AND JUST THE FACT THAT WHENEVER YOU START GIVING OUT WAIVERS AND VARIANCES WHEN THERE ARE NOT ABSOLUTELY REQUIRED BY SOME EXTRAORDINARY CIRCUMSTANCE, YOU HAVE

OPENED THE FLOOD GATES FOR JUST MORE OF THE SAME. JUST AS YOU WERE TALKING ABOUT, WHEN YOU WERE TALKING ABOUT MR. FLORES' PROBLEM WITH HIS PROPERTY ON SIXTH STREET, THE SAME THING IS TRUE HERE. BE VERY CAREFUL WHEN YOU ARE GRANTING THOSE WAIVERS AND VARIANCES THAT YOU DON'T ENCOURAGE PEOPLE TO TAKE ADVANTAGE OF YOUR GOOD HEARTEDLY WHEN YOU DO IT ON AN INDIVIDUAL BASIS. SO I'M ASKING YOU TO CONSIDER VERY CAREFULLY WHETHER OR NOT THE GRANTING OF THE WAIVERS AND VARIANCES REQUESTED TONIGHT ARE ACTUALLY CALLED FOR IN THIS CASE AND WHETHER OR NOT THERE ARE UNDUE HARDSHIPS T TO BE PUT ON THE DEVELOPER. ON BEHALF OF ALL OF THE RESIDENTS AND -- AND OTHER PROPERTY OWNERS ALONG THE 2222 CORRIDOR, THOSE OF US WHO HAVE WILL TO LIVE WITH THE CONSEQUENCES OF YOUR DECISION TONIGHT, I ASK YOU TO SERIOUSLY CONSIDER THAT. THANK YOU VERY MUCH.

YOU'RE WELCOME, THANK YOU, MIGHT YOU BE KATHY BAIRD? NO?

WHAT'S YOUR NAME, MA'AM? YOU WANT TO SPEAK IN SUPPORT OF THIS APPEAL, SUPPORT OF MR. KING AND MR. KONOPKA? WHY DON'T YOU COME ON, JUST ANNOUNCE YOUR NAME, YOU WILL HAVE THREE MINUTES.

MY NAME IS RAZELLE POTLOSKI, A RESIDENT OF LONG LONG, AS WELL AS ON THE HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS. I WANT TO THANK YOUR ESTEEMED LAWYER -- MAYOR AND THE OTHER CITY COUNCIL MEMBERS FOR GIVING US THE TIME TO -- TO SHARE OUR OPINIONS ABOUT -- ABOUT THIS APPEAL. I'M A TRANSPLANT FROM CENTRAL NEW JERSEY AND WHEN I FIRST MOVED HERE I WAS JUST IMPRESSED BY THE MAJESTIC BEAUTY OF THE NORTHWEST AUSTIN REGION. IT WAS SPRINGTIME AND THE GRACY AREAS WERE FILLED WITH BLUE BONNETS AND THE HILLS WERE LUSH WITH GREEN FOILAGE. AND EACH DAY I SAW DOZENS OF PEOPLE STOPPING ALONG 2222 TO TAKE PICTURES OF THEIR FAMILIES AS THEY NESTLED INTO THE BLUE BONNETS AND AGAINST THAT MAGNIFICENT BACK DROP OF THE HILL COUNTRY. COMING FROM A SMALL TOWN AS I DID, WHICH ABUTTED UP TO ANOTHER SMALL TOWN WHICH WAS ABUTTED TO ANOTHER SMALL TOWN THAT WAS

CLUTTERED WITH THE ROADWAYS, WITH -- WITH STRIP MALLS AND -- AND BIG BOX DEVELOPMENTS AND COMMERCIAL LOTS AND APARTMENT DWELL ALSO AND HOUSES, I WAS REALLY STRUCK WHICH I FIRST MOVED HERE BY THE CONTRAST BETWEEN 2222 AND THE DEVELOPMENT ALONG 183 AND I-35. THOSE AREAS SHOWED UNRESTRAINED DEVELOPMENT. WHEREAS ALONG 2222 IT SEEMED AS IF THINGS WERE PRESERVED AND PROTECTED. AND I DIDN'T SEE ALONG 2222 AND 360 OR 620 THAT URBAN SPRAWL THAT WAS SO EVIDENT IN CENTRAL NEW JERSEY AND WHERE EVERY INCH OF THE GROUND WAS COVERED WITH CONCRETE. AND WITH NO RESPECT TO THE INTEGRITY OF THE ENVIRONMENT. I APPRECIATE THAT EXPANSION IS -- IS NECESSARY AND IS -- IS IMMINENT IN AUSTIN. BUT WE HAVE TO DO SOMETHING TO PROTECT THE ENVIRONMENT FOR OUR CHILDREN AND FOR ALL OF THE FUTURE GENERATIONS. AND WHAT GREATER GIFT CAN WE GIVE TO THE FUTURE GENERATIONS THAN CONTROLLED DEVELOPMENT THAT ACKNOWLEDGES AND PRESERVES THE UNIQUE FUTURES AND QUALITIES OF THE REMAINING AREAS OF THE 2222 CORRIDOR. WE SHOULD NOT FORESAKE THE HILL COUNTRY AND THE ORDINANCES THAT WERE SO WISELY ENACTED TO PROTECT IT FOR SOMEBODY'S INDIVIDUAL ECONOMIC GAIN. ONCE WE DO, A PRECEDENT IS ESTABLISHED THAT WILL SLOWLY CHIP AWAY AND FINALLY ERODE ALL OF WHAT NATURE OFFERS US. I'M NOT GOING TO REITERATE THE APPEALS TO THE -- TO THE -- TO THE VARIANCES THAT HAVE BEEN GIVEN. I JUST WANT TO STATE THAT DR. POTTER WAS -- WAS WELL INFORMED OF -- OF THE RESTRICTIONS TO THIS LAND THAT HE WAS PROPOSING TO DEVELOP. HE COULD JUST AS EASILY HAVE DESIGNED A PLAN [BEEPING] DOES THAT MEAN THAT I HAVE TO STOP.

PLEASE CONCLUDE.

ALL THAT I WANT TO TO DO IS JUST CONSIDER IT IS MUCH MORE PRACTICAL FOR DR. POTTER TO ALTER HIS PLAN TO BE RESPECTFUL OF THE ENVIRONMENT, COMMUNITY AND EXISTING ORDINANCES. I, TOO, AM ASKING YOU TO RESCIND THE VARIANCES THAT WERE APPROVED. THIS IS CRUCIAL NOT ONLY FOR -- THIS IS CRUCIAL FOR FUTURE GENERATIONS THAT WANT TO POSE THEIR FAMILIES ALONG THE 2222 CORRIDOR FOR PICTURES AMONGST THE BLUE

BONNETS. THANK YOU.

THANK YOU, MA'AM.

IS THERE ANYBODY ELSE WHO SIGNED UP WISHING TO SPEAK WHO IS -- WHO IS SUPPORTIVE OF -- OF MR. KING OR MR. KONOPKA'S APPEAL. OKAY. THEN HEARING NONE, WE WILL NOW GO TO FOLKS WHO WISH TO ADDRESS US IN OPPOSITION TO THE APPEAL, THAT IS SUPPORTING THE -- THE APPROVED SITE PLAN. AND WE WILL START WITH, LET'S SEE, WELL, JIM BENNETT IS WALKING UP, MR. BENNETT WHY DON'T YOU START.

THANK YOU, MAYOR.

MY TECHNOLOGY IS NOT WORKING HERE. IS JAMES POTTER HERE? HELLO. JAMES? HE'S DOING HIS -- DONATING HIS THREE MINUTES TO YOU. SIX MINUTES IF YOU NEED IT.

MAYOR AND COUNCIL, I'M JIM BENNETT, I COME BEFORE YOU REPRESENTING MR. POTTER WHO IS IN OPPOSITION TO THIS APPEAL THAT YOU HAVE BEFORE YOU. COUNCIL MAY RECALL THAT -- THAT THIS -- THIS TRACT OF GROUND CAME BEFORE YOU A LITTLE OVER A YEAR AGO FOR AN OFFICE ZONING ON THE TRACT. AT THAT TIME, THERE WAS CONDITIONS IMPOSED ON THE ZONING. A FENCE ALONG THE -- ALONG THE EAST PROPERTY LINE WHERE IT'S ADJACENT TO -- TO FIRST AN OFFICE BUILDING ON 2222 AND BELL MOUNTAIN, SECONDLY, IT'S ADJACENT TO RESIDENTIAL. AT THAT TIME, THE -- THE ZONING WAS APPROVED. SINCE THEN, MR. POTTER SECURED AN ENGINEER TO -- TO DEVELOP THE SITE, THE SITE PLAN. AND IN DOING SO, WE HAD TO GO TO THE ENVIRONMENTAL BOARD, I WOULD POINT OUT TO COUNCIL AS YOU ARE WELL AWARE, THE ENVIRONMENTAL BOARD DOES NOT NECESSARILY GRANT VARIANCES. THEY REALLY BELIEVE THEY ARE TIED WITH THEIR VARIANCES. THEY MADE A RECOMMENDATION TO THE ZONING AND PLATTING COMMISSION AND THE ZONING ZONINGS AS WELL UNDER THE ENVIRONMENTAL BOARD'S RECOMMENDATIONS RECOMMENDED OR APPROVED THE WAIVERS AND VARIANCES THAT ARE BEFORE YOU TONIGHT. IN YOUR BACKUP MATERIAL, THE RATIONALE FROM THE -- THE ENVIRONMENTAL BOARD WAS THAT WE MEET STAFF

CONDITIONS, WHICH, ONE WAS ALL CUT AND FILL WILL BE STRUCTURALLY CONTAINED. REPLACEMENT TREES TO BE CLASS 1 TREES. CONTAINER GROWN FROM NATIVE SEED AND ALL CITY OF AUSTIN REQUIRED LANDSCAPING TO UTILIZE GROW GREEN NATIVE OR ADAPTED MATERIALS, PROVIDE AN IPM PLAN AND PREVENT THE USE OF COAL TAR BASED SEALANTS. THE RATIONALE IN YOUR BACKUP MATERIAL IS THAT THE TEXDOT ROADWAY IS CREATED CONCRETE [INDISCERNIBLE] THAT PROVIDES RUNOFF NOT TREATED IN A WATER QUALITY TRANSITION ZONE. INCREASE CAPTURE VOLUME AND TREATMENT OF 100% OF THE CODE REQUIREMENT. IF I CAN ELABORATE ON THAT RATIONALE, THE WATER QUALITY POND WHICH IS LOCATED ON THE EASTERN BOUNDARY, WE ARE CAPTURING 100% MORE THAN THE CODE REQUIRES. THE REAR PORTION OF THE UNDEVELOPED SITE, STEEPER SLOPES AND CLASS ONE TREES ARE LOCATED REMAIN UNDISTURBED. AS YOU CAN SEE FROM THIS SITE PLAN, ESSENTIALLY WHERE THE SITE PLAN WAS APPROVED, THE REAR PORTION, THE STEEPER PORTION HAS NO DISTURBANCES EXCEPT FOR THE FENCE THAT WE TALKED ABOUT EARLIER. THE 100 YEAR CRITICAL WATER QUALITY ZONE APPEARS TO BE INACCURATE ... THEREFORE THE APPLICANT MEETS THE INTENDED SPIRIT OF THE ORDINANCE. THE ENVIRONMENTAL BOARD DOES NOT BELIEVE THIS CASE SHOULD BE USED AS A PRECEDENT DUE TO THE UNUSUAL CIRCUMSTANCES NOTED ABOVE. ONCE AGAIN, COUNCIL, THIS SITE IS 4.724 ACRES. OUR TOTAL DEVELOPMENT ON THIS SITE IS 38,000 SQUARE FEET. LESS THAN AN ACRE. ZERO -- 0.9 OF AN ACRE IS THE TOTAL DEVELOPMENT ON THE SITE. THE -- THE SETBACK WAIVER THAT WAS APPROVED BY THE Z.A.P. ZONING AND PLATTING COMMISSION, THE 50-FOOT SETBACK IS OVERPLANTED WITH THE NATIVE TREES FROM SEED GROWN CONTAINERS. THE WATER QUALITY POND IS -- TWICE THE SIZE AS IT SHOULD BE. AND THE WATER QUALITY TRANSITION ZONE, WE ARE ASKING TO -- TO ALLOW 6,000 SQUARE FEET ON A SITE THAT'S 4.724 ACRES. IT'S WHAT THAT REPRESENTS IS 6,000 SQUARE FEET IN THE WATER QUALITY TRANSITION ZONE. IN THIS CASE BECAUSE A TRIBUTARY IS FROM A CONCRETE LINED FACILITY, THAT GOES INTO -- BOX CULVERTS, THEN GOES UNDER 2222, IT -- FROM MY UNDERSTANDING FROM THE ENVIRONMENTAL BOARD AND THE PLANNING

COMMISSION, EVEN THOUGH TECHNICALLY IT MEETS A CRITICAL WATER QUALITY TRANSITION ZONE, THAT BECAUSE OF THOSE CONDITIONS, THAT -- THAT CRITICAL WATER QUALITY ZONE DID NOT EXIST. FROM THE PRACTICAL STANDPOINT. WE ARE PROPOSING 8272 SQUARE FEET OF OFFICE BUILDING. ONE OF THE OFFICE BUILDING IS IDENTIFIED AS AN OFFICE BUILDING IS A 600 SQUARE FOOT ROCK -- FOR LACK OF A BETTER TERM, BARN THAT'S BEEN ON THE SITE EVER SINCE THE SITE WAS THERE AND WILL PROBABLY BE USED AS A MAINTENANCE FACILITY RATHER THAN AN OFFICE. WE ARE TALKED ABOUT TWO OFFICE BUILDINGS. THREE BUILDINGS ON THAT, AFTER DETERMINING THAT WOULD NOT WORK. WE REDUCED IT TO TWO BUILDINGS. IF YOU LOOK AT THE SITE, THE SITE DROPS APPROXIMATELY 110 FEET FROM THE BACK OF THE PROPERTY TO 2222. WE THINK THIS PLAN IS MORE SENSITIVE THAN WHAT COULD OCCUR ON THE SITE. ONE IN LOCATING THE DEVELOPMENT ON THE LOWER PORTION ALONG 2222 AND LEAVING THE UNDISTURBED PORTION IS BETTER FOR THE ENVIRONMENT THAN IT WOULD BE TO TRY TO BUILD ON THE STEEPER SLOPES. THEY TALKED ABOUT TRAFFIC. I BELIEVE MR. ZAPALAC REPORTED TO YOU THAT -- THAT THE TRAFFIC GENERATED BY THIS WOULD BE LESS THAN 130 TRIPS A DAY. ON A 4.74-ACRE SITE. THAT IS PRETTY -- PRETTY SENSITIVE. ALSO, THIS SITE HAS DEDICATED 80-FOOT OF RIGHT-OF-WAY FROM 2222, TO ALLOW FOR EXPANSIONS THAT WAS TAKEN BY TEXDOT. [BEEPING] SO THE NET BUILDABLE SITE IS DOWN IN THE LOWER, FLATTER SLOPES, THAT'S WHERE WE PUT THE DEVELOPMENT THAT MR. POTTER IS PROPOSING WHICH WILL BE HIS OFFICE BUILDING AND ONE OFFICE BUILDING FOR LEASE. THANK US SIR.

THANK YOU, MR. BENNETT. A QUICK QUESTION, THIS VARIANCE WAS APPROVED BY THE ZONING AND PLATTING COMMISSION, IT ACTUALLY WENT TO THE ENVIRONMENTAL BOARD PRIOR TO THAT.

YES, SIR. WENT TO THE ENVIRONMENTAL BOARD FOR THE -- FOR THE BUILDING ON SLOPES GREATER THAN 15%. WE HAD TO DO THAT IN ORDER TO GET ACCESS TO THE SITE. THE ACTUAL DRIVEWAY TO GET INTO IT. AND ALSO FOR THE CRITICAL WATER QUALITY TRANSITION ZONE. WHICH

ALLOWED US 18% IMPERVIOUS COVER. AND THEN -- THEN IN THAT ZONE, WE ARE PROPOSING 26%, I BELIEVE.

THEY WERE AWARE OF SETBACK, BUT IT WAS NOT AN ACTION THAT THEY HAD AUTHORITY OVER. BUT IN THE PRESENTATION, THEY WERE AWARE OF THE 50-FOOT SETBACK, TOO, AS WELL.

DID THEY HAVE AUTHORITY OVER -- WAS THERE A GOAL --

YES, SIR.

THE VARIANCE WAS APPROVED?

YES, SIR. UNANIMOUSLY BY THE BOARD, I BELIEVE, ON THE -- ON THE -- ON THE BUILDING ON THE SLOPES AND THE -- AND THE WATER QUALITY TRANSITION.

OKAY. THANK YOU, MR. BENNETT.

THAT WENT FORWARD TO THE ZONING AND PLATTING COMMISSION, THEY SUPPORTED THOSE RECOMMENDATIONS FROM THE ENVIRONMENTAL BOARD.

I HAVE A QUESTION.

COUNCILMEMBER SLUSHER?

Slusher: MR. BENNETT. I HAVE GOT TWO -- TWO BUILDINGS ON THERE OR THREE.

COUNCILMEMBER SLUSHER, THERE ARE TWO BUILDINGS HERE AND HERE. THIS IS -- THIS IS THE STONE BUILDING THAT EXISTED ON SITE. I CALL IT A ROCK BARN.

TWO ADDITIONAL.

600 SQUARE FOOT OF EXISTING -- OF EXISTING -- KIND OF BUILDING RIGHT HERE, THESE ARE THE TWO BUILDINGS RIGHT HERE THAT ARE -- THAT ARE GOING TO BE USED FOR THE OFFICE USES.

OKAY. I WAS REMINDED TODAY THAT -- THAT DURING THE

ZONING, I THINK YOU SAID THAT THERE WOULD JUST BE PROBABLY JUST ONE BUILDING. WOULD FIT ON THERE.

WE WERE DISCUSSING ONE BUILDING. WE WERE DISCUSSING THE HEIGHT OF THE BUILDING AND IT WAS NOT -- THAT THE HEIGHT OF THE BUILDING WAS REGULATED TO 28 FEET. AND IT WAS NOT LIMITED TO ONE FOOT. ONE BUILDING, I'M SORRY.

Slusher: I DIDN'T HEAR THE LAST PART, SORRY.

IT WAS NOT LIMITED TO ONE BUILDING.

OKAY.

BUT YOU THOUGHT AT THAT TIME IT WAS JUST GOING TO BE ONE ON THERE?

YES, SIR, BUT WHEN WE GOT TO LOOKING AT THE SITE WE HAD TO SPLIT THAT BUILDING UP, THAT'S THE REASON WE WERE SEEING TWO BUILDINGS, RIGHT HERE, RIGHT NOW.

OKAY. I'M NOT SURE THAT I UNDERSTOOD ABOUT WHAT YOU WERE SAYING, IT WOULD BE MORE ENVIRONMENTALLY SENSITIVE THAN IF YOU BUILT ON THE SLOPES BUT AREN'T YOU SEEKING A WAIVER TO BUILD ON THE SLOPES OR A VARIANCE?

THE VARIANCE TO BUILD ON THE SLOPES IS TO GAIN ACCESS TO THE SITE, COUNCILMEMBER SLUSHER, BECAUSE OF THE GRADE HERE YOU HAVE TO BE ABLE TO GET INTO YOUR SITE. THAT'S WHERE THE SLOPE VARIANCE IS COMING FROM.

BUT YOU WOULDN'T BE ABLE TO BUILD ON THE SLOPES, WOULD YOU? UNDER THE ORDINANCE?

I BELIEVE WE COULD. IT MAY REQUIRE VARIANCES DEPENDING ON THE SLOPE.

WOULD YOU CLEAR THAT UP FOR ME.

COUNCILMEMBERS, CRYSTAL WITH WATERSHED

PROTECTION DEVELOPMENT AND REVIEW. IN ORDER TO -- IN ORDER JUST TO ACCESS THE SITE, IT'S -- IT'S ON SLOPES OVER 15%, IT'S A VARIANCE FOR THE DRIVEWAY. WITH RESPECT TO THE -- TO THE PARKING SPACES, THE SURFACE PARKING SPACES IN THE BUILDINGS, THEY ARE ALLOWED TO HAVE 10% OF THAT SLOPE CATEGORY, THE 15 TO 25% SLOPE CATEGORY WITH IMPERVIOUS COVER. SLIGHTLY EXCEEDS THAT, WITH A PARKING SPACES AND THEY ALSO -- THEY -- THE SEPARATE SECTION OF THE CODE REGULATES THE ACTUAL ACCESS ON THE SITE IN WHICH THEY DO NEED THE VARIANCE AS WELL.

OKAY. WELL, THEN, IS THERE A PART OF THE SITE ON THE SLOPES THAT -- THAT COULD BE BUILT UPON THAT'S NOT BEING BUILT UPON?

LET ME GET MY SLOPE MAP.

I BELIEVE YOU ALL HAVE THIS UP THERE IN FRONT OF YOU, RIGHT?

YES, SIR.

AS YOU CAN SEE, THE WHITE IS THE 0 TO 15% SLOPE, THERE'S A SIGNIFICANT AMOUNT OF THAT SLOPE CATEGORY IN THE UPPER REACHES OF THE PROPERTY. HOWEVER, STAFF RECOMMENDED THAT THEY -- THAT THE CAN TWO JUST ON THE LOWER END AND NOT CROSS THOSE STREEPER SLOPES. THAT KIND OF PUTS THAT WHITE AREA, 0 TO 15 IN THE UPPER END AS UNUSABLE PROPERTY.

IS THAT BY ORDINANCE?

WELL, IT'S -- IT WOULD BE THE SAME VARIANCE. HOWEVER, STAFF WOULD NOT HAVE SUPPORTED THE SLOPES VARIANCE IF THEY REQUESTED TO CROSS THE STEEP SLOPES.

OKAY. SO WHAT I'M DRIVING AT, I'M TRYING TO FIGURE OUT IS THERE SOMEBODY THERE THAT HE COULD HAVE BUILT ON THAT HE'S NOT BUILDING ON BECAUSE HE SAID WE COULD BUILD ON THE SLOPES, IT WOULD BE MORE

DAMAGING THAN WHAT THEY ARE PROPOSING RIGHT NOW.

YEAH, I BELIEVE HE WAS REFERRING TO CROSSING THOSE STEEP SLOPES, THE BLUE AND RED AREA.

BUT UNDER OUR ORDINANCE, HE WOULDN'T BE ABLE TO BUILD THERE ANYWAY WITHOUT A VARIANCE?

JUST CROSS IT, YOU WOULD NEED STAFF SUPPORT --

WHAT ABOUT TO BUILD SOME, TO BUILD A BUILDING THERE?

STAFF WOULDN'T SUPPORT THAT, EITHER. STAFF WANTS TO KEEP THEM OFF THE STEEP SLOPES, THAT'S WHY WE SUPPORTED THE VARIANCE TO ALLOW THEM TO ACCESS THE SITE. AND UTILIZE THE 0 TO 15 AND A SMALL PORTION OF THE 15 TO 25 THAT IS BELOW THE STEEP SLOPES, BETWEEN THE STEEP SLOPES AND THE [INDISCERNIBLE]

OKAY. THANKS, SIR.

MAYOR, IF I HAVE A --

ACTUALLY -- RELATED TO THAT, IF FOR ONE REASON, SAY THERE'S A -- YOU KNOW, THERE'S A ROAD IS IMPROVED, SORT OF BY A STATUTE, DO WE -- DO WE HAVE -- I GUESS DOES SOMEBODY AUTOMATICALLY HAVE THE RIGHT TO ACCESS THEIR PROPERTY? THAT IS IF -- IF A DRIVEWAY -- IF THE -- BECAUSE OF THE SLOPE OF THE SITE AND THE ADJACENT ROADWAY, IF JUST BUILDING A DRIVEWAY ANYWHERE ON THE FRONTAGE WOULD REQUIRE A VARIANCE BECAUSE OF SAY A 15% GRADE OR MORE, WE AS A CITY ARE REQUIRED TO GIVE THAT PERSON ACCESS JUST SORT OF BY --

I DON'T BELIEVE WE CAN DENY SOMEBODY ACCESS TO THEIR PROPERTY IF THAT'S WHAT YOU ARE ASKING ABOUT. I MEAN IF -- IF THE SITUATION INVOLVED CROSSING 35% SLOPES JUST TO ACT ACCESS THE PROPERTY THAT WOULD BE A DIFFERENT SITUATION. BUT I STILL BELIEVE IF THERE WERE FLATTER SLOPES ABOVE THOSE STEEP SLOPES THAT YOU HAD TO ACCESS TO GET ON THE PROPERTY, WE WOULD PROBABLY SUPPORT THE VARIANCE TO GET TO

THAT FLATTER AREA.

OKAY. MR. MURPHY? IF YOU DON'T MIND, THANK YOU.

WE ROUTINELY RECOMMEND VARIANCES OF THAT SORT WHEN IT WOULD MEAN YOU WOULDN'T BE ABLE TO ACCESS YOUR SITE. THOSE ARE YOU TEENLY HAVE BEEN GRANTED ROUTINELY HAVE BEEN GRANTED. SO ANY TIME THE VARIANCE IS THE RESULT OF AN OBSTACLE OF SLOPES JUST TO GET INTO YOUR SITE TO BE ABLE TO UTILIZE IT, WE HAVE TYPICALLY RECOMMENDED THOSE AS WE DID HERE. BUT IT'S -- IT STILL WOULD BE A VARIANCE. IT ISN'T SOMETHING THAT YOU GET WITHOUT A VARIANCE.

OKAY. THANK YOU. MR. BENNETT?

MAYOR, I THINK THAT I FAILED TO POINT OUT THIS THOSE ZONING HEARINGS THAT WE WENT TO THE NEIGHBOR'S ADJOINING -- THE RESIDENTIAL NEIGHBORS ADJOINING THIS SITE HAD REQUESTED THAT THE DEVELOPMENT BE AWAY FROM THE RESIDENTIAL AS WELL. WHICH PUTS US DOWN IN THE LOWER FLAT WHERE WE ARE LOCATING OUR IMPROVEMENTS NOW. STAYING AWAY FROM THE RESIDENTIAL BUILDINGS. PER ZONING.

THANK YOU, MR. BENNETT. LET'S SEE, SOME OTHER FOLKS SIGNED UP AGAINST, NOT CLEAR WHETHER THEY ARE SUPPORTIVE OF NORTH. KATHY BAIRD. IS KATHY STILL HERE? WELCOME, MS. BAIRD. AM I RIGHT THAT YOU ARE IN OPPOSITION TO THE APPEAL?

I HAVE NEVER BEEN VERY GOOD AT DOWEL NEGATIVES, I SUPPORT DR. PORTER'S PROJECT. I'M KATHY BAIRD. I AM A 17 YEAR RESIDENT OF LONG CANYON. I'M DR. AND MRS. PORTER'S FRIEND AND NEIGHBOR, I DO NOT AGREE WITH THE POSITION TAKEN BY THE LONG CANYON HOMEOWNERS BOARD SO IT'S IMPORTANT TO ME TO APPEAR ON MY OWN VOLITION IN SUPPORT OF THIS PROJECT. I HAVE THESE REASONS. DR. PORTER HAS COMPLIED WITH EACH STEP OF THE SITE PLAN APPROVAL PROCESS. THIS PROCESS IS HEAVILY EQUIPPED WITH CHECKS AND BALANCES NECESSARY FOR MAINTAINING THE INTEGRITY OF OUR CITY'S PROPERTY. HE IS QUALIFIED FOR AND HAS RECEIVED

THE NECESSARY APPROVAL. NUMBER 2, DOCTOR AND MRS. PORTER ARE THEMSELVES HOMEOWNERS IN LONG CANYON. OBVIOUSLY THEY WOULD NOT WANT TO BE SELF DEFEATING TO PROPOSE A PROJECT THAT WOULD JEOPARDIZE THE VALUE OF THEIR OWN PROPERTY OR THEIR NEIGHBORHOOD, LET ALONE THE PROPERTY OF -- OF OTHERS THAT THEY MAY WANT TO ATTRACT AS FRIENDS, POTENTIAL PATIENTS OR POTENTIAL BUSINESS ASSOCIATES. NUMBER 3, DOCTOR PORTER HAS PRESENTED HIMSELF AS A TEAM PLAYER AND ACTIVE VOLUNTEER IN OUR COMMUNITY, HE IS ALREADY CON -- HE ALREADY CONCEDED AND COMPROMISED A LARGE PORTION OF HIS INVESTMENT. HE SHOULD NOT BE FORCED TO CONCEDE ANYMORE. HE SHOULD BE ALLOWED TO OPEN HIS BUSINESS, EMPLOY PEOPLE AND CONTINUE TO PAY HIS COMMERCIAL PROPERTY TAXES. I THINK HIS SOCIAL CONTRIBUTION TO THIS COMMUNITY WOULD FAR OUTWEIGH ANY DISCREPANCIES CAUSED BY SETBACK ISSUES. NUMBER 4 HAVING VIEWED THE PROPERTY IN QUESTION, TWICE DAILY FOR THE LAST 17-YEAR-OLD, I WOULD HONESTLY SEE THIS PROJECT AS AN IMPROVEMENT BECAUSE IT PRESENTS BEAUTIFULLY DESIGNED AND LANDSCAPED OFFICE PARK. HAVE THESE NEIGHBORS WHO ARE OPPOSING THIS PROJECT CONSIDERED WHAT MY RESULT IF DR. PORTER GETS DISCOURAGED AND SEEMS HIS PROPERTY TO SOMEONE WHO HAS AN UNDESIRABLE TYPE OF BUSINESS? SUCH AS A BUSINESS WITH A HIGH PROPENSITY TO CAUSE EXCESS TRAFFIC, LITTER, NOISE, SO ON, SO FORTH. HOMEOWNERS, I IMPLOR YOU, TAKE THE KNOWN AS OPPOSED TO THE UNKNOWN. WHEN I FIRST MOVED TO THIS NEIGHBORHOOD, 2222 WAS A DANGEROUS ROAD LITTERED WITH WHITE CROSSES AND FEW RANCHES, VERY FEW OTHER PROJECTS. TODAY THERE ARE MANY DEVELOPMENTS. LARGE APARTMENT COMMUNITIES, BIG BOX STORES, GAS STATIONS, SO ON, SO FORTH. ALL OF THESE PROJECTS HAVE BEEN ALLOWED TO -- TO BUILD AND TO OPEN AND OPERATE. THE HOMEOWNERS BOARD ACTION CAUSES ME TO THINK THAT THIS ACTION MAY HAVE BEEN CHOSEN BECAUSE DR. PORTER'S PRACTICE IS THAT OF A SMALL BUSINESS, HE'S A SMALL, SELF EMPLOYED BUSINESS PERSON. MAYBE HE IS SEEN ASKING EASIER TARGET IN THE ISSUE, THE ONGOING ISSUE OF OPPOSING FURTHER

DEVELOPMENT ON 2222. I ASK YOU TO APPROVE THIS MAN'S PROJECT. THANK YOU, MS. BAIRD. LOOKS LIKE REESA POTTER SIGNED UP NOT WISHING TO SPEAK. [INDISCERNIBLE] FOR THE PROJECT. CURT [INDISCERNIBLE] SIGNED UP TO -- CAN ANSWER QUESTIONS IF WE HAVE THEM. ANY OTHER CITIZENS THAT WOULD LIKE TO BE HEARD? IN SUPPORT OF THIS SITE PLAN, THAT IS IN OPPOSITION TO THE APPEAL. HEARING NONE THEN, THE APPELLANT, MR. KONOPKA, YOU ACTUALLY HAVE A -- A THREE-MINUTE REBUTTAL PERIOD. FOR MR. KING. OR MR. KING.

THANK YOU, MAYOR, I BELIEVE A CORRECTION IS IN ORDER. I BELIEVE THAT THE STAFF DISAPPROVED THE 28 OR THE IMPERVIOUS SPACE VARIANCE. THAT'S OF SIGNIFICANCE. AGAIN, I WOULD LIKE TO REPEAT, WE ARE CONCERNED ABOUT THE FUTURE GENERATIONS. WE ARE NOT OPPOSED TO DEVELOPMENT. THIS IS NOT A PERSONAL THING. DR. POTTER IS A NEIGHBOR OF OURS. WE DON'T WANT TO GET INTO A CONTEST WITH HER. WE ARE CONCERNED ABOUT WHAT'S GOING TO HAPPEN OUT THERE IN THE NEXT 10 TO 20 YEARS AND WHAT WE ARE LEAVING THE NEXT GENERATION, VERY CONCERNED. THAT SETBACK REQUIREMENT IS OF SIGNIFICANCE AND WE KNOW THAT WE DO WANT TO BUILD ON A LOWER PIECE OF LAND. BUT THERE ARE OTHER ALTERNATIVES. THE SQUARE FOOTAGE OF THE SPACE OF THE OFFICE, THE IMPERVIOUS SPACE SITUATION, MAYBE HE NEEDS SOME MORE CREATIVE ENGINEERING DOWN ON THAT PROPERTY, I'M DONE SPEAKING. DO YOU HAVE ANY QUESTIONS OF ME?

QUESTIONS OF -- OF THE APPEAL YABT, COUNCIL? THANK YOU, SIR. SO, COUNCIL, THAT CONCLUDES THE -- THE PUBLIC HEARING OF THIS APPEAL PROCESS. SO WITH THAT I'LL HAVE A MOTION TO CLOSE THE HEARING.

SO MOVE.

MOTION MADE BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER MCCRACKEN TO CLOSE THE PUBLIC HEARING OF THIS APPEAL PROCESS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? PUBLIC HEARING IS NOW CLOSED ON A VOTE OF 7-0. MS. TERRY, COULD YOU PLEASE WALK US THROUGH NOW THE STRUCTURE OF HOW WE APPROACH THIS?

YES, SIR. UNDER THE CODE PROVISIONS, THE COUNCIL AS THE APPEALANT BODY IS REQUIRED TO MAKE THE DECISION THAT THE ZONING AND PLATTING COMMISSION SHOULD HAVE MADE. THE CHARGE SPECIFICALLY IS A HEARING AND APPEAL MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE, EXERCISE THE POWER OF THE OFFICIAL OR BODY WHOSE DECISION IS APPEALED. A DECISION MAY BE UP HILL, MODIFIED OR REVERSED. THEN UNDER SPECIFICALLY WITH REGARD TO A HILL COUNTRY SITE PLAN, MOST OF THE SITE PLAN APPEALS THAT YOU HAVE -- THIS COUNCIL SEES ARE CONDITIONAL USE SITE PLANS. THIS IS A LITTLE BIT DIFFERENT. THE HILL COUNTRY SITE PLAN, THE LAND USE COMMISSION WHICH IN THIS CASE WAS THE ZONING AND PLATTING COMMISSION, IS REQUIRED TO APPROVE A SITE PLAN FOR DEVELOPMENT IN A HILL COUNTRY ROADWAY CORRIDOR, IF THE LAND USE COMMISSION DETERMINES THAT THE PROPOSED DEVELOPMENT COMPLIES WITH THE REQUIREMENTS OF THIS TITLE. SO WHEN YOU CONSIDER YOUR APPEAL, YOU ARE CHARGED WITH EXACTLY THE SAME KIND OF RESPONSIBILITY. IF YOU DETERMINE THAT THE PROPOSED DEVELOPMENT COMPLIES WITH THE REQUIREMENTS OF THE TITLE, THAT IS OF -- OF THE LAND DEVELOPMENT CODE, YOU ARE OBLIGATED TO -- TO APPROVE -- YOU ARE OBLIGATED TO -- TO UPHOLD THE DECISION THAT -- TO -- TO APPROVE THE HILL COUNTRY SITE PLAN. WHAT YOU HAVE BEFORE YOU IN THIS CASE IS VARIANCES THAT WERE CONSIDERED WHEN THE HILL COUNTRY SITE PLAN WAS PROPOSED WAS ACTUALLY BEING CONSIDERED, THAT WAS THE PRESENTATION THAT WAS MADE TO YOU AS YOU RECALL THE STAFF RECOMMENDED THE GRANTING OF TWO OF THOSE VARIANCES BEFORE THE -- BEFORE THE ZONING AND PLATTING COMMISSION. AND THE DENIAL OF THE IMPERVIOUS COVER VARIANCE. THE ZONING AND PLATTING COMMISSION APPROVED ALL OF THE VARIANCES IN GRANTING THE SITE PLAN. SO IF -- IF YOU BELIEVE THAT THE

-- THAT THE ZONING AND PLATTING COMMISSION PROPERLY APPLIED THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, THEN YOUR OBLIGATION OF THE COUNCIL IS TO UPHOLD THAT DECISION.

Mayor Wynn: THANK YOU. QUESTIONS, COMMENTS? COUNCIL? MAYOR PRO TEM?

Goodman: I DO OF STAFF. WAS I MISUNDERSTANDING THAT THE ONLY WAY TO GET LEGAL ACTION WAS FOR THE DRIVEWAY TO GO ON STEEPER SLOPES AND NOT VARIANCES FOR THE DRIVEWAY?

MAYOR PRO TEM, THE -- THE STEEP SLOPES ARE -- AT VARIOUS PORTIONS OF THE SITE. A VARIANCE IS REQUIRED TO CROSS ANY SLOPE ABOVE 15%, SO IN ORDER TO GET ACCESS TO THE SITE, THERE ARE SLOPES IN EXCESS OF 15% THAT WOULD HAVE TO BE CROSSED. STAFF RECOMMENDED THAT -- THAT BECAUSE IT WAS DIFFICULT TO OBTAIN ANY ACCESS TO THE SITE, WHAT WE DID NOT RECOMMEND WAS ACCESS OR -- OR CONSTRUCTION ON STEEPER SLOPES, WHICH WOULD BE 15 TO 35%. WHICH ARE TO THE REAR OF THE PROPOSED DEVELOPMENT. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Slusher: THIS IS SO COMPLICATED, I WANT TO TAKE FOLKS THROUGH IT. I DON'T KNOW IF IT'S A QUESTION FOR YOU OR MS. TERRY, BUT LET ME SHOOT THEM OUT THERE AND SEE. OKAY. WE'VE GOT THE WAIVER FROM THE HILL COUNTRY ROADWAY, WHICH STAFF HAS RECOMMENDED AND APPROXIMATE POSES UNDUE HARDSHIP. IS THIS THE ACCESS THAT WE WERE DISCUSSING EARLIER? THAT'S THE WAIVER TO PROVIDE THE ACCESS?

Mayor Wynn: THOOK.

Slusher: AND THE NEXT ONE IS ALSO RECOMMENDED. THE NEXT ONE IS ALSO RECOMMENDED BY STAFF. IT'S A VARIANCE INSTEAD OF A WAIVER, VARIANCE NUMBER ONE, AND THAT'S ALSO TO ALLOW CONSTRUCTION ON SLOPES. IS THAT THE SAME THING? IS THAT ALSO THE ACCESS? THE FIRST WAIVER WAS TO REDUCE THE HILL COUNTRY WAIVER FROM 1 1200 FEET TO 150 FEET. THAT WASN'T RELATED TO

THE ACCESS, BUT TO THE CONSTRAINTS OF THE SITE AND THE FLAT SLOPES. THE WAIVERS ARE RELATED, BUT THEY DO HAVE DIFFERENT ASPECTS TO THEM. SO THE FIRST WAS TO REDUCE THE BUFFER FROM 100 FEET TO 50 FEET. THAT'S THE BUFFER ALONG -- PARALLEL TO 2222. THE GREEN LINE HERE INDICATES THE 50-FOOT BUFFER THAT'S BEING PROPOSED. THE YELLOW LINE IS THE NORMAL 100-FOOT BUFFER. AND WHAT'S PROPOSED TO BE CONSTRUCTED IN THAT AREA IS SOME OF THE PARKING, THE DRIVEWAY, WATER QUALITY POND AND A PORTION OF ONE BUILDING.

Slusher: IS THIS THE ONE THAT HAS THE REQUIRED PLANTS AND LANDSCAPING IN FRONT OF IT? OR IS THAT THE NEXT VARIANCE.

YES. AS A CONDITION OF REDUCING THE BUFFER, THERE IS SOME ADDITIONAL LANDSCAPING THAT IS BEING PROVIDED.

Slusher: FOR REDUCING THE BUFFER. IN MY BACKUP IT LOOKS LIKE THAT IS FOR THE VARIANCE NUMBER ONE ON THE SLOPES. LDC 25.8. 25-8-01 AND 02?

THAT'S CORRECT. THOSE WERE THE CONDITIONS OF SUPPORTING A VARIANCE.

Slusher: WHAT ABOUT ON THE SETBACK? WHAT ARE WE REQUIRING IN EXCHANGE FOR THAT OR TO MAKEUP FOR NOT HAVING THAT SET BACK THERE?

THE SETBACK, IF WE WERE TO REQUIRE THEM TO HAVE A 100-FOOT BUFFER, THEY WOULDN'T HAVE SUFFICIENT DEVELOPABLE AREA WITHOUT GOING OVER THE STEEPER SLOPES, WHICH WE DIDN'T WANT THEM TO DO, WHICH WE WOULDN'T HAVE SUPPORTED THEM.

Slusher: AND THOSE ARE NOT -- THAT'S PROHIBITED UNDER THE ORDINANCE, RIGHT? SO WHAT YOU'RE SAYING IS THEY WOULDN'T BE -- THEY WOULD HAVE THE PROPERTY WHERE THEY COULDN'T HARDLY BUILD ANYTHING. ANYTHING.

RIGHT.

Slusher: THAT'S WHAT WE'RE DOING. AND SAYING IF YOU

BUILT BOTH OF THEM, THE SEAT BACKS AND -- SET SETBACKS AND NOT THE STEEP SLOPES, YOU HAVE ALMOST NOTHING TO BUILD ON. SO YOU ARE PICKING ONE OR THE OTHER, SO YOU WENT WITH THE SETBACK?

WE'RE SAYING IT'S LESS DESIRABLE FROM AN ENVIRONMENTAL ASPECT ACROSS THE SLOPES THAN IT IS TO REDUCE THE BUFFER. ACROSS THE STEEP SLOPES AND GO UP HIGHER AND IT IS TO REDUCE THE BUFFER UP FRONT.

Slusher: THAT'S THE WAIVER WHICH STAFF IS RECOMMENDING. AND THE VARIANCE NUMBER ONE IS FOR ACCESS. AND STAFF IS RECOMMENDING THAT. AND VARIANCE NUMBER 2 IS TO EXCEED THE ALLOWABLE IMPERVIOUS COVER AND WATER QUALITY TRANSITION ZONE. THE STAFF IS NOT RECOMMENDING THAT, ALTHOUGH THE ZONING AND PLATTING COMMISSION DID AND ENVIRONMENTAL BOARD WITH CONDITIONS.

THAT'S CORRECT. I DID NOT BELIEVE THAT VARIANCE. IN FACT, WE REALLY THAT THIS SITE COULD STILL BE DEVELOPED FAIRLY WITH THE LESSER, YOU KNOW -- A LITTLE BIT LESS IMPERVIOUS COVER IN THE TRANSITION ZONE.

Slusher: IS THAT WHAT WE'RE DEALING WITH HERE IS THE -- WE'RE DEALING WITH THE WAIVER ON THE SETBACK, THE ACCESS AND THEN THE ONE WHERE THEY WERE REQUESTING TO GO TO THE IMPERVIOUS COVER. IS THERE ANYTHING ELSE THEY'RE ASKING FOR HERE?

NOT THAT I'M AWARE OF. THAT IS THE SUM TOTAL.

THAT'S CORRECT.

Slusher: OKAY. WELL, IT'S HARD TO HEAR THE CITIZENS CALLING ON US TO FOLLOW THE ORDINANCES, THE WATER QUALITY ORDINANCES, AND I APPRECIATE YOUR APPROACH AND YOUR LEVEL OF THE HILL COUNTRY OUT IN THAT AREA. I THINK THAT IN ITSELF HELPS US TO PROTECT. IN THIS CASE I THINK THAT WE CAN'T UNDER LAW HAVE ORDINANCES PREVENTING FROM DEVELOPING ANYTHING, SO I THINK WE

HAVE TO GO AHEAD WITH THE ONE THAT WAS RECOMMENDED BY ORDINANCE OR RECOMMENDED BY THE STAFF, BUT I CANNOT SUPPORT THE -- ALLOWING THE MORE ADDITIONAL IMPERVIOUS COVER BEYOND OUR ORDINANCES, ESPECIALLY WHEN WE'RE ALREADY GRANTING THESE OTHER VEARNSS AND WAIVER -- VARIANCES AND WAIVE. SO WHAT I WOULD MOVE IS THE STAFF RECOMMENDATION. MS. TERRY, DOES THAT MEAN I HAVE TO MOVE TO UPHOLD THE APPEAL OR TO -- HOW WOULD I FRAME THAT AS A MOTION?

YOUR MOTION IS TO MODIFY THE DECISION, WHICH MEANS THAT YOU'RE GOING TO UPHOLD THE APPEAL IN PART AND DENY IT IN PART. YOU'RE ACTUALLY MODIFYING THE UNDERLYING DECISION.

Slusher: I WOULD DO THAT BY RECOMMENDING THE STAFF RECOMMENDATION OR MOVING THE STAFF RECOMMENDATION.

Mayor Wynn: MOTION BY COUNCILMEMBER SLUSHER TO APPROVE THE APPEAL WITH MODIFICATION BACK TO ORIGINAL STAFF RECOMMENDATION.

YOU ARE UPHOLDING THE APPEAL AS FAR AS THE VARIANCE FROM THE IMPERVIOUS COVER IS REQUIRED. AND THE MOTION IS TO DENY THE APPEAL OF THE WAIVER AND THE FIRST VARIANCE.

Mayor Wynn: WHICH GETS US BACK TO THE ORIGINAL STAFF RECOMMENDATION.

WHICH GETS YOU BACK TO THE ORIGINAL STAFF REMGHTSS, WHICH MEANS THAT YOU ARE MODIFYING THE UNDERLYING DECISION, WHICH YOU MAY DO ON CONSIDERING THIS APPEAL.

Slusher: IT'S SORT OF QUIET UP HERE. I DON'T KNOW IF I'M GOING TOO FAR FOR EVERYBODY OR NOT FAR ENOUGH.

Dunkerley: WE'RE TRYING TO FIGURE IT OUT.

Mayor Wynn: MOTION BY COUNCILMEMBER SLUSHER AS

STATED BY ASSISTANT CITY ATTORNEY, GETTING US BACK TO ORIGINAL STAFF RECOMMENDATION.

Goodman: WELL, LET ME SECOND FOR DISCUSSION AND SEE IF HE'LL ACCEPT A FRIENDLY AMENDMENT. WHICH IS TO TAKE OUT THE APPROVAL OF THAT 50-FOOT SET BACK AND UPHOLD THE APPEAL. NO, NO. I JUST WANT TO GIVE THEM A DRIVEWAY.

Slusher: ONLY THE DRIVEWAY?

Goodman: YEAH. BUT I DON'T SEE ANY WAY OUT OF THAT FOR HIM IF HE'S GOING TO PUT ANYTHING THERE. BUT NOT 100 FEET, THE 50-FOOT SET BACK.

Slusher: WELL, I WOULD -- I LIKE THAT. I'M WONDERING WHAT -- CAN THEY BUILD ANYTHING IN THERE?

Goodman: WELL, WITH THE LESSER IMPERVIOUS COVER.

Slusher: WHAT IMPERVIOUS COVER COULD THEY GET?

Mayor Wynn: MR. ZAPALAC, BAIL US OUT HERE, PLEASE.

IF YOU DENY THE VARIANCE ON THE IMPERVIOUS COVER, THAT WOULD MEAN THEY WOULD HAVE TO REDUCE IMPERVIOUS COVER BY ABOUT 6500 SQUARE FEET.

Slusher: THAT'S STILL A CONSIDERABLE -- THAT'S STILL 32,000 SQUARE FEET OF IMPERVIOUS COVER, RIGHT? THE IMPERVIOUS COVER ON --

THE IMPERVIOUS COVER THEY'RE PROPOSING IS 38,000 SQUARE FEET.

Slusher: SO IT WOULD GO DOWN TO 32. SO YOU HAVE SIX THOUSAND. SO THAT'S -- THAT'S PROBABLY ABOUT 15% IMPERVIOUS COVER INSTEAD OF 18.

Goodman: SO JUST ON THE SURFACE I THINK THEY COULD DO THAT.

Slusher: I'M ABOUT TO ACCEPT THAT, BUT I WANT TO LET

THEM FINISH THEIR CALCULATIONS.

Mayor Wynn: I WOULD LIKE TO HEAR THE STAFF'S RATIONALE. IT SEEMS LIKE I REMEMBER EARLIER THEY'RE SAYING THAT THEY THOUGHT IT WAS MORE ADVANTAGEOUS TO ONLY HAVE THE 50-FOOT SET BACK BECAUSE OF OTHER ENVIRONMENTAL CONSIDERATIONS.

COULD YOU REPEAT THE WHOLE THING?

Mayor Wynn: I GUESS IF YOU CAN, WALK US THROUGH WHAT'S LEFT WITH THE REDUCTION IN IMPERVIOUS COVER AND WITH THE MAYOR PRO TEM'S SUGGESTION OF NOT GRANTING THE REDUCED SETBACK.

YOU WOULD SIGNIFICANTLY REDUCE THE DEVELOPABLE AREA BETWEEN THOSE STEEP SLOPES IN THE ROAD. I KNOW THEY'RE A 50-FOOT STRIP. I DON'T HAVE THE NUMBER OF -- THE AMOUNT OF IMPERVIOUS COVER THEY WOULD BE ABLE TO GET THERE IF THEY DID THAT. I'M IN THE SURE. BUT IT WOULD SIGNIFICANTLY REDUCE THE DEVELOPABLE AREA IN THAT LOWER AREA.

Slusher: I'M CONCERNED THAT IT WOULD GO FROM 38,000 TO 32,000 SQUARE FEET. FROM WHAT I WAS HEARING BEFORE IT SOUNDED LIKE IT WAS MUCH MORE DRAMATIC THAN THAT, BUT I'M TRYING TO FIGURE OUT -- I'M IN THE MIDDLE OF MY MATH PROBLEM DOWN HERE TO FIGURE OUT HOW MUCH THAT IS.

WERE YOU LOOKING FOR PERCENTAGES?

Slusher: UH-HUH.

WE HAVE TO LOOK AT IT TWO DIFFERENT WAYS BECAUSE A PORTION OF IS UPLANDS PERCENTAGE, FOR WHICH THERE IS ONE ALLOWABLE AMOUNT OF IMPERVIOUS COVER. AND THEN THERE IS -- THE OTHER PORTION WOULD BE IN THE TRANSITION ZONE, FOR WHICH THERE IS LESS OR 18 PERCENT ALLOWABLE.

LET ME JUST EXPLAIN SOMETHING, PLEASE, PAT MURPHY WITH WATERSHED PROTECTION. IF THEY ARE NOT GIVING

THE VARIANCE FOR THE TRANSITION ZONE, MY READ IS THAT 6500 SQUARE FEET OF IMPERVIOUS COVER THAT THEY WOULD NOT BE ABLE TO BUILD THAT'S CURRENTLY ON THIS PLAN. SO THAT'S ONE OF THE TWO. THE SECOND ONE IS A LITTLE HARDER TO FIGURE OUT BECAUSE WE HAVEN'T DONE THE MATH. IF YOU WENT FROM 50 TO 100, WHICH I THINK IS MAYOR PRO TEM'S QUESTION OR RECOMMENDATION, IT WOULD TAKE ROUGHLY HALF OF THAT FRONT BUILDING ON THAT DIAGRAM THAT YOU HAVE, AND I THINK YOU HAVE IT IN FRONT OF YOU. AND ROUGHLY HALF OF THAT PARKING LOT. AND THE POND WOULD HAVE TO MOVE BACK AS WELL. SO I DON'T KNOW HOW TO QUANTIFY EXACTLY HOW MUCH IMPERVIOUS COVER THAT IS, BUT YOU CAN GRAPHICALLY SEE IT ON THIS IF YOU LOOK AT IT. BASICALLY IT WOULD TAKE OUT ABOUT HALF OF THAT FRONT BUILDING AND HALF OF THAT PARKING LOT, THE FIRST ONE YOU COME TO IS THE DRIVE AS YOU CAME IN. DOES THAT ANSWER YOUR QUESTION? AND WE CAN MEASURE IT IF YOU WANT TO, WE JUST DON'T HAVE THAT CALCULATION.

Goodman: WELL, ON THE SURFACE THERE WAS A POSSIBILITY THAT THE DECREASE -- SINCE COUNCILMEMBER SLUSHER'S MOTION DIDN'T GIVE THE IMPERVIOUS COVER VARIANCE, THE DECREASED IMPERVIOUS COVER WOULD COME OUT ABOUT EVEN WITH BEING ABLE TO DO THE 100-FOOT SET BACK, I THOUGHT.

I THINK THAT'S CLOSE TO -- WE DON'T HAVE THE ACTUALLY MEASUREMENTS, BUT I BELIEVE THAT'S FAIRLY ACCURATE. THAT'S WHY WHEN WE WERE PRESENTING THIS EARLIER, WE WERE TALKING ABOUT BALANCING ONE AGAINST THE OTHER.

Slusher: MAYOR, I THINK WE'VE PRESENTED SOMETHING TO STAFF HERE THAT I'M NOT COMFORTABLE WITH THEM CALCULATING IT RIGHT NOW AND US VOTING ON SOMETHING, AS MUCH AS I WOULD LIKE TO GET THIS OVER WITH TONIGHT. MR. MURPHY SAID HE WAS FAIRLY CERTAIN. THAT'S ALL HE CAN SAY WITH THE SITUATION HE'S IN RIGHT NOW, BUT I THINK WE OUGHT TO BE REALLY CERTAIN ABOUT EXACTLY WHAT WE WOULD BE DOING. SO UNLESS THEY CAN COME UP WITH AN ANSWER IN THE NEXT FEW MINUTES, I WOULD SAY WE COME BACK -- I THINK -- HAVE WE ALREADY

CLOSED THE PUBLIC HEARING. CLOSE THE PUBLIC HEARING AND COME BACK AND RULE ON THIS NEXT WEEK. UNLESS THE COUNCIL IS NOT -- DOESN'T LIKE EITHER APPROACH THAT THE MAYOR PRO TEM OR I RECOMMENDED, AND THEN MAYBE THEY CAN SPEAK UP AND GET IT OVER WITH AND FINISH IT UP TONIGHT.

Mayor Wynn: COMMENTS? MOTION BY -- AMENDED MOTION BY COUNCILMEMBER SLUSHER TO POSTPONE ACTION ONE WEEK TO FEBRUARY 17 THE, 2005. I'LL SECOND. FURTHER COMMENTS?

Slusher: THAT INCLUDES CLOSING THE PUBLIC HEARING.

Mayor Wynn: WE'VE ALREADY DONE THAT. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

Slusher: THAT WAS ALSO A MOTION TO ADJOURN. [LAUGHTER]

Mayor Wynn: WE CAN'T DO THAT. OKAY. SO I NEED TO ANNOUNCE FOR MS. BROWN'S SAKE THAT, MS. BROWN, IN EXECUTIVE SESSION WE DID NOT TAKE UP ITEMS 23, 24 OR 26 AND WE WILL NOT TAKE ACTION ON ITEM NUMBER 37. THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL, WITHOUT OBJECTION, WE STAND ADJOURNED. 30 SECONDS TO SPARE.

End of Council Session Closed Caption Log